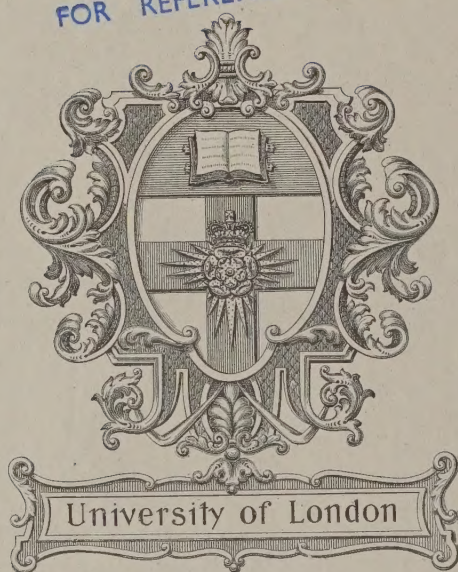


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ACCOUNTS AND PAPERS:

FIFTEEN VOLUMES.

— (4.) —

COLONIES; CANADA.

Session

31 January — 17 July 1837.

VOL. XLII.

1837.



ACCOUNTS AND PAPERS:

1837.

FIFTEEN VOLUMES:—CONTENTS OF THE FOURTH VOLUME.

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R E S O L U T I O N S

INTENDED TO BE PROPOSED BY

LORD JOHN RUSSELL,

IN A COMMITTEE OF THE WHOLE HOUSE,

RELATIVE TO THE

AFFAIRS OF CANADA.

1.—THAT, since the 31st day of October, in the year 1832, no provision has been made by the Legislature of the Province of Lower Canada, for defraying the charges of the Administration of Justice, and for the support of the Civil Government within the said Province, and that there will, on the 10th day of April now next ensuing, be required for defraying in full the charges aforesaid to that day, the sum of 142,160*l.* 14*s.* 6*d.*

2.—THAT at a Session of the Legislature of Lower Canada, holden at the City of Quebec, in the said Province, in the months of September and October 1836, the Governor of the said Province, in compliance with His Majesty's commands, recommended to the attention of the House of Assembly thereof the Estimates for the current year, and also the Accounts, showing the arrears due in respect of the Civil Government, and signified to the said House His Majesty's confidence that they would accede to the application which He had been commanded to renew for payment of the arrears due on account of the Public Service, and for the Funds necessary to carry on the Civil Government of the Province.

3.—THAT the said House of Assembly, on the 3d day of October 1836, by an Address to the Governor of the said Province, declined to vote a Supply for the purposes aforesaid, and by the said Address, after referring to a former Address of the said House to the Governor of the said Province, declared that the said House persisted, amongst other things, in the demand of an Elective Legislative Council, and in demanding the repeal of a certain Act passed by the Parliament of the United Kingdom in favour of the North American Land Company; and by the said Address the said House of Assembly further adverted to the demand made by that House of the free exercise of its control over all the branches of the Executive Government; and by the said Address the said House of Assembly further declared, that it was incumbent on them in the present conjuncture to adjourn their deliberations until His Majesty's Government should by its Acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the People, have commenced the great work of Justice and Reform, and created a confidence which alone could crown it with success.

4.—THAT in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that Province an Elective Body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence.

5.—THAT while it is expedient to improve the composition of the Executive Council in Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that Province.

6.—THAT the legal title of the North American Land Company to the Land holden by the said Company, by virtue of a Grant from His Majesty, under the Public Seal of the said Province, and to the privileges conferred on the said Company by the Act for that purpose made in the fourth year of His Majesty's reign, ought to be maintained inviolate.

7.—THAT it is expedient that so soon as provision shall have been made by law to be passed by the Legislature of the said Province of Lower Canada for the discharge of Lands therein from Feudal Dues and Services, and for removing any doubts as to the incidents of the tenure of land in free and common socage in the said Province, a certain Act made and passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, commonly called "The Canada Tenures Act;" and so much of another Act passed in the third year of his said late Majesty's reign, commonly called "The Canada Trade Act," as relates to the tenures of land in the said Province, should be repealed, saving nevertheless to all persons all rights in them vested under or by virtue of the said recited Acts.

8.—That for defraying the arrears due on account of the established and customary charges of the Administration of Justice and of the Civil Government of the said Province, it is expedient that, after applying for that purpose such balance as shall, on the said Tenth day of April One thousand eight hundred and thirty-seven, be in the hands of the Receiver-General of the said Province, arising from His Majesty's Hereditary, Territorial and Casual Revenue, the Governor of the said Province be empowered to issue from and out of any other part of His Majesty's Revenues in the hands of the Receiver-General of the said Province such further sums as shall be necessary to effect the payment of the before-mentioned sum of 142,160*l.* 14*s.* 6*d.*

9.—THAT it is expedient that His Majesty be authorized to place at the disposal of the Legislature of the said Province the net proceeds of His Majesty's Hereditary, Territorial and Casual Revenue arising within the same, in case the said Legislature shall see fit to grant to His Majesty a Civil List for defraying the necessary charges of the Administration of Justice, and for the maintenance and unavoidable expenses of certain of the principal Offices of the Civil Government of the said Province.

10.—THAT great inconvenience has been sustained by His Majesty's subjects inhabiting the Provinces of Lower Canada and Upper Canada from the want of some adequate means for regulating and adjusting questions respecting the Trade and Commerce of the said Provinces, and divers other questions wherein the said Provinces have a common interest; and it is expedient that the Legislatures of the said Provinces respectively be authorized to make provision for the joint regulation and adjustment of such their common interests.

RESOLUTIONS

Intended to be proposed by

LORD JOHN RUSSELL,

IN A COMMITTEE OF THE WHOLE HOUSE

RELATIVE TO THE

AFFAIRS OF CANADA.

1837.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 24th April 1837;—for,

COPIES of the REPORT of the HOUSE of ASSEMBLY of *Upper Canada*, to whom was referred the Letter from Mr. Speaker *Papineau* to Mr. Speaker *Bidwell*, enclosing Copies of certain Resolutions adopted by the House of Assembly of *Lower Canada* during their Session of 1835-6; and also a Copy of the ADDRESS of the ASSEMBLY of *Upper Canada* to His MAJESTY, adopting this Report;

Of the ADDRESS to His MAJESTY from the LEGISLATIVE COUNCIL and ASSEMBLY of *Upper Canada*, praying that steps may be taken for procuring the co-operation of the Legislature of *Lower Canada* in the Improvement of the Navigation of the *St. Lawrence*; and,

Of the ADDRESS to His MAJESTY from the HOUSE of ASSEMBLY of *Upper Canada*, praying for the Annexation of *Montreal* to that Province.

Colonial Office, Downing-street, }
3 May 1837.

G. GREY.

SCHEDULE.

- No. 1.—Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg, dated Upper Canada, Toronto, 4 March 1837 (three enclosures) - - - - - p. 1
No. 2.—Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg, dated Upper Canada, Toronto, 4 March 1837 (two enclosures) - - - - - p. 7
No. 3.—Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg, dated Upper Canada, Toronto, 4 March 1837 (two enclosures) - - - - - p. 8

— No. 1. —

My Lord,

Upper Canada, Toronto,
4 March 1837.

I HAVE the honour to transmit to your Lordship, in compliance with the request of the House of Assembly, to be laid at the foot of the Throne, the accompanying Address to The King from that House, together with a printed copy of the Report of a Select Committee of the Assembly, relative to a letter and resolutions of the Assembly of Lower Canada, forwarded by Mr. Speaker Papineau to the Speaker of the last House of Assembly of this province during its last session.

I have, &c.

The Lord Glenelg.

(signed) F. B. Head.

Enclosures in No. 1.

(No. 1.)

To His Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, beg leave to acquaint your Excellency that we have passed

an Address to His Majesty on the subject of certain resolutions received from the Speaker of the House of Assembly of Lower Canada, by the late House of Assembly of this province at its last session, and humbly request that your Excellency will be pleased to transmit the same to His Majesty's principal Secretary of State for the Colonies, together with a copy of the Report of the Select Committee of this House, to which was referred the letter of L. J. Papineau, Esq., Speaker of the House of Assembly of Lower Canada, to be laid at the foot of the Throne.

Commons House of Assembly, }
3 March 1837.

(signed) Arch^d M^cLean, Speaker.

(No. 2.)

To The KING's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to acquaint your Majesty, that, during the last session of the Legislature, certain resolutions which had been adopted by the House of Assembly of Lower Canada were transmitted to the Assembly of this province, accompanied by a letter from the Speaker of that House, soliciting the concurrence of this House therein.

After a careful examination of those resolutions, and an investigation of the principles they involve, we have deliberately adopted the Report which we beg leave to transmit herewith; and we also feel it our bounden duty to disavow the sentiments contained in those resolutions, and to assure your Majesty, that we earnestly deprecate any departure from the principles of our Constitution, or the adoption of any course of policy calculated to weaken the ties which attach this colony to the British empire.

Commons House of Assembly, }
3 March 1837.

(signed) Arch^d M^cLean, Speaker.

(No. 3.)

To the Honourable House of Assembly.

Your Committee, to whom was referred that part of the Journals of last Session containing the Letter of the Speaker of the House of Assembly of Lower Canada, with certain Resolutions of that House accompanying the same,

Beg leave to submit the following Report :

THE subject to which the attention of your Committee has been directed can be most conveniently treated under two distinct heads :

First—The resolutions of the Honourable the House of Assembly of Lower Canada.

Second—The letter of Mr. Speaker Papineau.

Those resolutions, it seems, were adopted by the House of Assembly of the Lower Province in February last, and apparently with the expectation and hope that similar views were taken, and a co-operation for similar purposes might be obtained, in the sister colonies of North America, but more especially in this province.

The first of these resolutions declares, "That this House, in its exertions to procure a redress of the various grievances under which the people of this province labour, and to introduce a good and responsible system of local government, have, in addition to the other weighty and substantial reasons by which it has been guided, been greatly encouraged by the hope and expectation that any amelioration in the political institutions of the colony would be followed of right by similar advantages to our brethren inhabiting the sister provinces of British North America."

The introduction of what is termed "a good and responsible system of local government," and the extension of "similar advantages" to other colonies, are the main points of this resolution. With regard to the former, your committee are at least able to form a conclusive opinion of the form of government which is to be set aside in favour of some other, which the Assembly of Lower Canada style "good and responsible;" since the Constitutional Charter of the two colonies is identical, and although the laws relating to civil rights and property differ (and that difference can be no cause of complaint for the Assembly of Lower Canada), the machinery of the local government and the general principles of its administration are the same in both provinces.

By the Treaty of Paris in 1763, Canada, with its dependencies, (then in the possession of Great Britain by conquest,) was ceded to His Majesty George the Third, who, by that treaty, guaranteed to the Canadians the liberty of the Catholic religion, and also permission to any of them who were desirous to do so, to sell their property, and emigrate at any

The resolutions adopted with the expectation of similar views in the sister provinces.

This expectation expressed in the first resolution.

It is evident to this committee what form of government was to be set aside in favour of the new one recommended.

Machinery of government the same in both provinces, although in some respects the laws differ.

Liberty of the Catholic religion guaranteed to Lower Canada by the treaty of Paris in 1763.

time

time within 18 months from the ratification of that treaty. The population at that time did not exceed 70,000. The great acquisition of territory in North America which Great Britain gained, rendered the creation of additional colonial governments necessary for these newly conquered countries; and at the same time, with a view of encouraging settlers in them, lands were offered to officers and men who had served in the late war. In the proclamation of 7th October 1763, provision was made for the civil government, which was entrusted in each colony to a governor and council, who had power to erect courts of judicature to determine in all cases, civil or criminal, according to law and equity, as near as might be in conformity to the laws of England, giving an appeal to the Privy Council. The government of the province of Quebec was thus administered until the year 1774, when the statute 14 Geo. 3 was passed. The inhabitants at that time amounted to about 90,000, the principal part of whom were of French extraction. The objects of that law appear to have been to provide a council for all the affairs of the province, except taxation, in which council the French Canadians were eligible to a seat; to establish the French laws, and trial according thereto in civil cases, and the English laws, with trial by jury, in criminal; to secure to the Roman-catholic clergy (with certain exceptions) their estates, as well as tithes from those of their own persuasion. A most cursory examination of the details of this Act cannot fail to lead to the conclusion that it was passed with an earnest desire to give to the French Canadians the free enjoyment of those laws to which they had been accustomed; to secure to them the full exercise of their religion as it had existed prior to the conquest; and to extend to them the right of being members of the council appointed to advise the governor in the conduct of their local affairs: it was an Act, in short, full of benefits and privileges for those newly acquired subjects of the Crown; and it was complained against at the time of its passing, as depriving those persons of British origin who had or might thereafter become inhabitants of Canada of the (to them) highly valued privilege of trial by jury in all cases civil or criminal. Between this period and the passing of the Act of 1791, a change gradually took place in the population of the province of Quebec: British capitalists became engaged in its commerce; British emigrants began to settle on its uncultivated lands; while numbers of those whose unconquerable loyalty had kept them faithful to the British Crown during all the vicissitudes of the American revolutionary war, were induced to emigrate to that province as a refuge, where they might enjoy that government and those rights which they had sacrificed all to sustain. Each of these classes of persons was strongly attached by habit and principle to the laws and constitution of the mother country; and indeed different proclamations had from time to time promised, more particularly to the U. E. Loyalists, that in Canada they should still enjoy the benefit of that constitution to which they were so warmly attached. Pledged, however, as the faith of the government was, and bound by every consideration to fulfil the just expectation of such settlers, the interests of the French Canadians were not overlooked; and with a view to do justice to the former classes without infringing on anything that had been granted or promised to the latter, the province of Quebec was divided into Upper and Lower Canada. The Act of 1791, the Constitutional Charter of these provinces, was passed, by which, in addition to the advantages already secured to the French Canadians, they had power further conferred upon them to provide for the establishment of such laws, for their own peace, welfare and good government, as they should consider most advisable. In granting this legislative authority there was a power of revision, however, reserved to the Crown, to prevent any particular measure injurious to the public welfare being inconsiderately adopted. The degree of independence necessary for the freedom and prosperity of the people of both provinces was unreservedly granted, while the connexion with Great Britain was secured, the King himself being one of the branches of the legislature of each province, and thereby ample security was afforded for the prosperity and safety of the provinces and of the whole empire.

That such a constitution ought to have been considered a boon by any people, and more especially by one who, prior to the cession to Great Britain, appears not to have had the smallest share in self-government, can scarcely be questioned; and your committee could scarcely have supposed that the desire expressed in the first resolution to introduce "a good and responsible system of local government," could have originated in any other cause than that the Constitutional Charter had not been carried into effect: a reference to the second resolution, however, dispels this doubt, and shows what are "the grievances" complained of, and what is understood by the terms "a good and responsible system of local government;" and your committee defer remarking upon the "similar advantages" which this province might expect to gain from the attainment of their objects by the House of Assembly of Lower Canada, until they have examined what these objects are.

These are stated in the second resolution to be:

"To render the Executive Council directly responsible to the representatives of the people, in conformity with the principles and practice of the British Constitution, as they obtain in the United Kingdom.

"To extend the principle of election to the Legislative Council, which branch of the provincial legislature has hitherto proved, by reason of its independence of the people, and of its imperfect and vicious constitution, insufficient to perform the functions for which it was designed.

"To place under the constitutional and salutary control of this House the whole of the revenues levied in this province, from whatever source arising.

Population at that time about 70,000. Increase of territory rendered additional governments necessary. U. E. Loyalists invited to settle in the different provinces.

Government of the province of Quebec till 1774.

Number of Inhabitants about 90,000.

Statute 14th Geo. 3 passed.

Object of that statute. Passed with a view to give to the French Canadians the enjoyment of their laws, the free exercise of their religion, &c., and the right to seats in the Governor's Council.

Act complained of at the time, as being inimical to British feelings.

Between that period and 1791, British emigrants began to arrive, and loyalists who had suffered during the American revolution.

Proclamations had been issued, that in Canada they should enjoy the constitution to which they were attached.

To redeem the pledge given to each party, the province of Quebec was divided into Upper and Lower Canada.

1791.

Constitutional Act passed, conferring the further privilege of making their own laws, subject to revision in certain cases.

Constitution formed on the model of that of the mother country.

This constitution should have been considered a boon by the French Canadians.

A reference to the second resolution shows the real object of the Assembly of Lower Canada to be,

To render the Executive Council responsible to the people.

That the Legislative Council shall be elective.

Revenues of the province to be under the control of the Legislature.

To abolish pluralities.

"To abolish pluralities, or the cumulation in one person of several or incompatible offices.

To procure the repeal of certain Acts of the Imperial Parliament.

"To procure the repeal of certain statutes passed by the Imperial Parliament, in which the people of this province are not and cannot be represented, which Acts are an infringement of the rights and privileges of the Legislature of this colony, and are injurious to the interests of the people thereof.

To obtain wholesome and necessary control over the internal affairs of this province.

"To obtain over the internal affairs of this province, and over the management and settlement of the wild lands thereof, (for the advantage and benefit of all classes of His Majesty's subjects therein without distinction,) that wholesome and necessary control which springs from the principles of the constitution itself, and of right belongs to the Legislature, and more particularly to this House as the representatives of the people.

Benefits of these reforms.

"Which reforms are specially calculated to promote the happiness of His Majesty's subjects in this province, to draw more close the ties which attach the colony to the British empire, and can in no way prejudice or injure the interests of any of the sister provinces."

Committee confine their remarks to the leading topics of the Executive and Legislative Councils.

To examine into every one of these "reforms" would extend this Report to a most inconvenient length, and your committee have therefore judged it better to confine their attention to the two leading topics of the Executive and Legislative Councils, because in them is to be found ample reason why, in the opinion of your committee, the people of this province ought not, through their representatives, and would not in their individual capacity co-operate in furthering the views expressed in this resolution.

The late general election decisive of public opinion, with respect to the Executive Council.
Opinion of the committee on that subject.
His Majesty's representative alone responsible to His Majesty and the people;

The question regarding the Executive Council it is perhaps unnecessary to discuss. Never was the public opinion more clearly, more emphatically expressed, than on that very subject at the late general election. A large majority of your honourable House was, as your committee firmly believe, returned as advocating principles and opinions diametrically opposed to those contained in this second resolution. Your committee, however, cannot let pass the opportunity of expressing their opinion, that the Governor, Lieutenant-governor, or person administering the government of this province, is entrusted with the exercise of the royal prerogative within the same, and that he (and not the Executive Council) is constitutionally responsible, as well to the Sovereign as to the people of this province, for the impartial and upright performance of the duties of his office; a responsibility essential to the preservation of the rights and liberties of His Majesty's subjects in Upper Canada, and which it is the imperative duty of their representatives to maintain and enforce, and not to suffer that responsibility, so far as depends on them, to be weakened or destroyed, by transferring the whole or any portion of it to other parties; and that any attempt to transfer to the Executive Council this responsibility, and as a necessary consequence the power and patronage vested by law in the person administering the government, is in derogation of the Constitutional Charter, and would be dangerous to the liberties of the people, injurious to the stability of our social and political institutions, and utterly destructive of the ties which attach this colony to the British empire.

and cannot transfer that responsibility without violation of the Constitutional Charter.

Composition of the Legislative Council considered.
Union of the three estates the best feature of the British Constitution.

On the subject of the extension of the elective principle to the Legislative Council, your committee have equally decided and they trust well-founded views. The union of the three estates, monarch, aristocracy and democracy, in the government, has been always considered the characteristic and most valuable feature of the British constitution; and with a view of securing a free and well-balanced system of government, with the kingly power for its head, the intervention of a third estate, independent of the people, though possessing the same common interests with them and of the Crown, though deriving rank from it, has been found productive of the happiest results; and so far from the creation of legislative councils nominated by the Crown being a new theory or experiment in colonial government, the constitution of other colonies, the date of which is long antecedent to that of our own, abundantly proves, alike, their existence and utility; and your committee find it difficult to conceive how a change, which would make the Legislative Council elective, and so give the people a double representation, each branch being in every respect independent of the Crown, could have any other effect than to render the whole system democratic, and, as your committee believe, inevitably to lead to a separation from the parent state. Where the chief magistrate is elective, there can be no reason why all the remaining branches of the legislature should not be so likewise; but such a state of things would, in the opinion of your committee, be incompatible with monarchical institutions, and, as a necessary consequence, must, if adopted, be destructive of our existence as an integral portion of the British empire.

Nomination of the Legislative Council by the Crown, no new theory
An elective Legislative Council would give to the people a double representation, and the balanced system of government be destroyed.
Such an experiment would, in the opinion of the committee, lead to a dissolution of our connexion with the British empire.

For reasons already expressed, your committee pass by the other "reforms" suggested, and take up the third resolution, which is in the following words:—

The third resolution.

"Resolved, that it has long been the aim of the enemies of these colonies, by deliberate and unfounded misrepresentations, to engender dissensions and bad feelings between the people thereof, in the hope of preventing all union of purpose among the people, and of thereby preventing the reform of those abuses and evils of which the people have so frequently complained, and which are connived at or upheld for the advantage of a minority hitherto unjustly possessing, and still endeavouring to maintain a political ascendancy in this province, contrary to the principles of all good government."

Committee trusts that the aim of those who have made misrepre-

Upon this your committee will offer only one remark. They do not pretend to judge how far the statements therein contained may be true as regards Lower Canada; but with regard

regard to this province, they can with great sincerity assert, that although there have been "deliberate and unfounded misrepresentations," as well before as since the adoption of this resolution by the Assembly of Lower Canada, in regard to the affairs of this province, yet they confidently hope and believe that the aim of those who have made them, to suit their own unhallowed purposes, will be defeated by the firm determination of your honourable House on all occasions, "to maintain our happy Constitution inviolate," and at the same time to correct cautiously, yet effectually, all real grievances."

sentations of the affairs of this province will be defeated.

With respect to the fourth resolution, which is as follows:

"Resolved, that this House has seen with extreme concern a speech delivered at the opening of the present session of the Legislature of Upper Canada, by his Excellency Sir John Colborne, late Lieutenant-governor of that province, at a moment when his sudden recal reflected particularly on the merits of his administration, in which it is stated that the affairs of this province had exercised an injurious influence on the interests of Upper Canada, had tended apparently to discourage emigration and the transfer of capital to that country, and had acted disadvantageously in respect to the terms on which the large loan authorized by the Legislature of that province was recently negotiated in England; that such a statement is calculated to misrepresent the views of this House; to prejudice the people of these provinces against each other; to disturb that good understanding which ought to prevail, and which has hitherto prevailed, between the said people; and in place thereof to sow discord and animosity among the several classes of His Majesty's subjects in these provinces."

Fourth resolution.

Your committee feel it right in the first place to remark, that whatever may be the opinion of the House of Assembly of Lower Canada on the merits of the administration of his Excellency Sir John Colborne, the universal public testimonies of respect that were shown to him on his departure from the province have abundantly proved in what light his character and conduct were viewed among us. And your committee would further remark, that in their opinion it would be idle to deny that the dissensions in the Lower Province have produced an injurious influence on emigration, as well as on the financial arrangements of Upper Canada, and will, if they continue, be daily more prejudicial to our general welfare.

Opinion of the Assembly of Lower Canada of Sir J. Colborne's administration incorrect.

The dissensions in the Lower Province very injurious to the interests of Upper Canada.

The next resolution declares, "That strong in the rectitude of their intentions and principles, and moved alone by a desire to introduce order and responsibility into their political institutions, in the place of the disorder and abuse which now unhappily prevail, this House, and the people whom it represents, indignantly repudiate all design to injure the interests or embarrass the exertions of the people of Upper Canada, in whose welfare the people of this province feel a lively interest, and for whose patriotic exertions to improve their political and social condition this House entertains a sincere respect; and this House is gratified to perceive that the representatives of the sister province have done this House the justice to acquit it of being the cause of any dissensions or embarrassments existing in the colony; and this House firmly repeat, that those dissensions and embarrassments proceeded from the defective constitution of the Legislative Council of these colonies, and from the continued unconstitutional exercise by the same persons of executive, legislative and judicial functions; from which causes have resulted the abuses of which the people of this province have so long and so justly complained."

The fifth resolution states, that the Assembly of Lower Canada repudiates any design to embarrass the Upper Province in her endeavours to improve her political condition.

Her embarrassments proceed from the defective constitution of the Legislative Council, and from the exercise by the same persons of executive, legislative and judicial functions.

Your committee are not aware that the House of Assembly of Lower Canada have ever been charged with a design "to injure the interests or embarrass the exertions" of the people of this province. The dissensions unfortunately prevailing there have caused, in the minds of most reflecting men among us, both regret and anxiety; and the expression of that feeling is natural and just, when we have reason to believe that our interests have sustained a prejudice in many respects from the peculiar position of public affairs in the sister province. Under ordinary circumstances, your committee would have avoided the expression of any opinion on the affairs of Lower Canada, and they now disclaim all wish to pronounce upon their concerns, further than to the extent of a discussion of matters affecting the interests of this province, and naturally springing from a consideration of the resolutions transmitted to this House.

The committee are not aware that any such design has been imputed to the Assembly of Lower Canada, nor do they desire to discuss the concerns of the sister province, further than as they tend to affect the interests of Upper Canada. Such a discussion naturally springs from a consideration of the resolutions transmitted.

The brief review taken by your committee of the history of the province of Quebec, and its separation into Upper and Lower Canada, and of the amelioration of its political condition by successive acts of grace and favour, has led them to the conclusion, that every disposition has been indicated by the Home Government to provide for the peace and welfare of all classes of His Majesty's subjects inhabiting the Canadas, and to afford them the protection of liberal institutions, and of laws subject to their own revision. That in the practical operation of these institutions some difficulties might arise was naturally to be expected, nor should it be matter of surprise that there may have gradually crept in some abuses which require amendment and reform. To all just complaints, your committee feel assured a ready attention would be given; and the careful investigation by the House of Commons of the affairs of the Canadas in 1828, together with the ample information afforded by Government at that time, proves, to the satisfaction of your committee, that every readiness has been shown by His Majesty and the Imperial Parliament to remove every such abuse, and to give to the people here every redress that circumstances might require. With this belief on the one hand, and strong in their conviction of the excellence of our Constitution as it is on the other, your committee perceive with lively regret and alarm the tone of these resolutions, and the spirit in which these or similar measures have been latterly insisted on by the House of Assembly which adopted them;

Committee arrive at the conclusion, that every disposition has been shown by the Home Government to provide for the peace and welfare of the Canadas.

The investigation by the House of Commons, in 1828, and the information afforded by Government at that time, proves the correctness of this opinion.

Convinced of the truth of the same, they deeply regret the tone of the resolutions transmitted, and the spirit in which they

were conceived and adopted. Nor can they withhold their sympathy for the treatment shown to their fellow-subjects of British origin in Lower Canada, a province won by British arms.

Situated as Upper Canada is, every material change in Lower Canada must affect the Upper Province also. When a Member of the House of Commons makes such a declaration as Mr. Roebuck is reported to have done, committee think it right to deny their belief of the truth of the assertion.

The high sense of national honour and friendly feelings of the American government, would prevent their lending their aid to any traitorous conspiracy. Committee trusts that whatever course may be adopted towards Lower Canada, the rights of this province will not be endangered by temporizing concession.

nor can they withhold an expression of deep sympathy for their fellow-subjects of British origin in the Lower Province, who seem in some respects to be treated, and who have been almost denounced as foreigners and intruders in a colony which was won by the enterprise and heroic courage of British warriors. Geographically situated as Upper Canada is, and governed under the same Constitution with the sister province, whatever change occurs in their form of government, or whatever remedies the Imperial Parliament may adopt for the cure of the evils now prevailing there, must, in some degree, and perhaps to an extent not now contemplated, affect us likewise. When a member of the British House of Commons, the salaried agent of the Assembly of Lower Canada, declared in his place, (as Mr. Roebuck is reported to have declared,) that in the neighbourhood of Lower Canada "there were 13,000,000 of republicans, who, as soon as the flag of rebellion should be unfurled, would rally round it, and trample in the dust the whole establishment," your committee think it right for your honourable House promptly to declare, that, in their opinion, the few traitors in either province, who would desire to hoist the standard of revolt, are so sensible of their weakness, that there is no fear of such an effort being made; and that should they be rash enough to attempt it, in the expectation of foreign support, they would look in vain for aid from the United States, whose government has been actuated by feelings of the most friendly and pacific character towards the British empire, and whose high sense of national honour would always prevent their lending their aid to a traitorous conspiracy. Whatever course may be taken with regard to the affairs of the Lower Province, your committee cannot let slip the opportunity of expressing their anxious hope, that no consideration will induce a departure from the principles contained in the Charter of 1791, and that in any remedial measures which may be adopted, the preservation of our rights as British subjects, and of our intimate connexion with the mother country, as a colony, will never be lost sight of or endangered by weak and temporizing concession.

Impressed with the conviction that the adoption of the principles contained in the resolutions would inevitably lead to a republican government, recommend an address to His Majesty, solemnly disavowing any participation in the sentiments contained therein.

Committee advert to Mr. Papineau's letter.

The last resolution authorizes Mr. Speaker Papineau to transmit the series.

Under this authority alone, Mr. Papineau wrote his letter.

Mr. Papineau not authorized to insult the Government or Assembly of this province.

Mr. Papineau alone responsible for this violation of courtesy and decorum.

The whole tenor of this letter is such, that it would have been passed over in silent contempt, had it not been found on the Journals of the House.

The late period of the session at which it was reported, alone prevented that consideration of the letter which would have prevented the Journals from being disgraced by its appearance on them.

Your committee, after this examination of these resolutions, have arrived at the conclusion, that to pursue the course which has been followed in the Lower Province, and to espouse the principles avowed and insisted on by the House of Assembly there, would be contrary to the wishes as well as the interests of Upper Canada, would shake our system of government to its centre, and would rapidly and inevitably tend to establish a republican form of government among us. Impressed with this conviction, your committee feel it their duty to submit to your honourable House the propriety of presenting an humble address to His Majesty, solemnly disavowing the sentiments contained in these resolutions, and earnestly deprecating any departure from the principles of our Constitution, or the adoption of any course of policy calculated to weaken the ties which attach this colony to the British empire.

After this review of the resolutions, to which your committee have felt it their duty to devote their best attention, there remains little for them to do, but to advert to the letter of Mr. Speaker Papineau.

By the last resolution, he was authorized to transmit copies thereof to the several assemblies of Upper Canada, and of the other sister provinces, "and to express the desire of this House cordially to co-operate with the said assemblies in all constitutional measures calculated to promote the mutual interests of these colonies."

It is under the authority of this latter clause that Mr. Papineau has assumed to write this letter, which, in addition to a lengthened commentary on the resolutions, contains some expressions to which your committee beg to draw the attention of your honourable House. In reference to one of the Imperial Statutes, imposing certain duties, Mr. Papineau remarks, "It is true that the government of Upper Canada induced a bribed or unwary Parliament to petition for the revival and continuation of those taxes." Your committee find nothing in the resolutions giving authority to Mr. Papineau to use language insulting to the government of this colony, or to a former house of assembly; nor do they believe that the House of Assembly of Lower Canada ever designed such an unwarrantable and indecent course should be followed. For this violation of decorum and of the courtesy due from one legislature to another, Mr. Papineau stands solely responsible; but your committee think it beneath the dignity of your honourable House to take further notice of so base and unfounded a calumny. The tenor of the whole letter is, in the opinion of your committee, of a purely rebellious character; and the sentiments of the writer will find nothing but execration from the inhabitants of this province. It carries its antidote in itself, and is so utterly revolting to a loyal and well-disposed mind, that while deserving of every punishment, it requires no confutation, and would have been passed over by your committee in silent contempt, without even this brief notice, if it were not to be found on the journals of your honourable House. The late period of the past session when it was laid on the table of the House, two months after the resolutions were adopted, and rather more than one month after the date of the letter, prevented the late House of Assembly from taking the subject into consideration. This delay is unaccounted for, and is to be regretted; for your committee are satisfied that had there been time for consideration, the journals of the Assembly would not have been disgraced by the letter of Mr. Speaker Papineau.

All which is respectfully submitted,

Committee-room, House of Assembly,
February 22, 1837.

Henry Sherwood, Chairman.

— No. 2. —

My Lord,

Upper Canada, Toronto,
4 March 1837.

At the request of the Legislative Council and House of Assembly of this province, I do myself the honour to forward to your Lordship, to be laid at the foot of the Throne, the accompanying joint Address to the King, relating to the necessity of improving the navigation of that part of the River St. Lawrence within the boundary of Lower Canada, in a manner to correspond with the improvements now carrying on by this province in the navigation of that portion of the river within its boundary.

The Lord Glenelg.

I have, &c.

(signed) F. B. Head.

Enclosures in No. 2.

(No. 1.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of the Province of Upper Canada, have agreed to an humble Address to the King, on the subject of the navigation of the St. Lawrence, which we respectfully request your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Legislative Council Chamber, } (signed) J. B. Robinson, Speaker.
4 March 1837.

Commons House of Assembly, } (signed) Arch^d M^r Lean, Speaker.
4 March 1837.

(No. 2.)

To The KING's Most Excellent MAJESTY.

Most gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Upper Canada in Provincial Parliament assembled, most respectfully beg leave to represent,

That the Legislature of this province having witnessed the loss of a great part of the commerce of the western country, bordering on our extensive inland water communication, by their connexion with the Hudson River in the state of New York, by means of canals, appropriated in 1833 the sum of 350,000*l.* for the purpose of constructing a ship or steam-boat canal on the St. Lawrence, on a scale commensurate with the magnitude of that noble river.

That during the ensuing year, or succeeding one, those works will be so far completed as to admit the passage of a steam-boat from Lake Ontario to the Coteau du Lac, within the boundary of Lower Canada.

That although a canal of only 12 or 14 miles in length is necessary to connect that point with the ocean, thereby rendering those great inland lakes to all intents and purposes a sea-coast, the Legislature of Lower Canada have as yet taken no steps to forward that improvement.

That as the products of this province for exportation or consumption will be subject to tolls for the repayment of the outlay thus made, and as the Legislature of Lower Canada have as yet manifested no interest in the prosecution of this work, it is not reasonable to expect they would oppose the work being carried on and finished, through that part of Lower Canada above the navigable part of the St. Lawrence, at the expense of the Legislature of this province.

WE, your Majesty's faithful subjects, the Legislative Council and House of Assembly, therefore pray your Majesty may be pleased to recommend to the Legislature of Lower Canada to adopt such measures as may enable this province to complete such portions of the work within the province of Lower Canada as may be necessary to effect so desirable and important an object.

That whatever portion of the American trade we may regain to the original and natural channel of the St. Lawrence will tend to cheapen the tolls for the products of your Majesty's subjects within this province, and tend to promote the general interests. That it will in no way interfere with the shipping interest or commerce of the mother country, or any of her colonies, as it will only have a tendency to divert the American transit, from New York and their canals to their ports bordering on Lake Erie, through the waters and canals now constructing within this province.

We therefore pray your Majesty will be pleased to call the attention of the Imperial Legislature at an early period to the subject-matter of this Address.

Legislative Council Chamber, } 2 March 1837.	(signed)	J. B. Robinson, Speaker.
Commons House of Assembly, } 2 March 1837.	(signed)	Arch ^d M'Lean, Speaker.

— No. 3. —

My Lord,

Upper Canada,
Toronto, 4 March 1837.

I HAVE the honour to transmit to your Lordship, in compliance with the request of the House of Assembly, the accompanying Address of that House to the King, praying that the island of Montreal may be annexed to Upper Canada.

I have, &c.

The Lord Glenelg.

(signed) F. B. Head.

Enclosures in No. 3.

(No. 1.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, beg leave to inform your Excellency that we have passed two Addresses to His Majesty on the subject of the annexation of the island of Montreal to this province, and on the subject of the reduction of certain duties on exports from this province to the United Kingdom, and on the commercial relations with the United States, and humbly request that your Excellency will be pleased to transmit the said Addresses to His Majesty's Principal Secretary of State for the Colonies, to be by him laid at the foot of the Throne.

Commons House of Assembly, } 3 March 1837.	(signed)	Arch ^d M'Lean, Speaker.
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(No. 2.)

To THE KING'S MOST EXCELLENT MAJESTY.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, beg leave most respectfully to represent to your Majesty, that the establishment in the year 1791 of the boundary between the provinces of Upper and Lower Canada, by bringing the line about 30 miles above any sea-port on the St. Lawrence, and thereby fixing the limit of the province so remote from the ocean, displayed a deficiency of information as to the geographical position of the country, inasmuch as it passed by a natural and obvious boundary, and seems to have entirely overlooked the probable future increase of population, commerce, wealth and importance of this part of the then province of Quebec.

That, as the boundary line now exists, your Majesty's subjects residing within this province labour under great disadvantages, which bear with unjust severity on their trade and intercourse, because their staves, lumber, flour, beef, pork, pot and pearl ashes, and every exportable article, are subject to inspection, and their packages to be altered and repaired

repaired at the expense of the owner, at prices imposed by a Legislature who are interested in making as many and as high charges as the article will bear, and thus a serious drawback to the productive industry of this country is created.

Every boat, raft or craft passing down to the Lower Province is compelled to take a clearance from some port here, and to make a custom-house entry on arriving in Lower Canada, under nearly the same restrictions as if going to a foreign country, in consequence of which regulations our boats actually pay a duty of from 2s. 6d. to 5s. each trip, to avoid the unnecessary delay at the Coteau du Lac, and from 5s. to 20s. in case they should have any produce of the growth of the United States, although those very articles are admitted into this province free of duty, under the Act for regulating the colonial trade.

Your Majesty's subjects arriving from Great Britain and Ireland are obliged, after undergoing the inconvenience and misery occasioned by severe quarantine laws, to pay a heavy tax for the mere privilege of passing through the Lower Province, a restriction imposed by no other government, and which tax your Majesty's subjects in this province have always declared to be unconstitutional as well as oppressive.

The profit made on the importation of foreign goods or British manufactures consumed in this province, or the sale of produce raised therein, and sold by the Lower Canada merchant for consumption in any sea-port in British America, or beyond sea, together with the profit on shipping, commission and other incidental advantages, is retained in Lower Canada, and consequently that province obtains the principal benefit of a trade which but for the industry and enterprise of Upper Canada would scarcely have an existence.

Your Majesty's subjects consider the general division of duties unfair, and that the inhabitants of this province have been deprived of their proportion of the duties collected under the statutes of 3 Geo. 4, c. 44, 45 & 119, which have been and still are, up to the present moment, wholly withheld; that no account of the expenses for collecting the same is furnished, and great and unnecessary expenses have been incurred from time to time in negotiating for the proportion due to Upper Canada, without arriving at any satisfactory result.

A further injury to the interests of your Majesty's subjects in this province is also occasioned by this state of things, inasmuch as a tax is necessarily imposed on the inhabitants in each district for the erection of gaols and court-houses, and all other internal and local purposes; whereas that part of your Majesty's subjects residing in the Lower Province are wholly exempt from any taxation for these objects, their portion of the revenue derived from foreign commerce being ample to defray those expenditures.

That your Majesty's subjects residing within this province, in their approach to the ocean, are subjected to a most serious expense in the transportation of their produce and merchandise by the St. Lawrence: they have made every exertion for the last four years to alleviate this evil, by rendering that noble river navigable; but their efforts are and must be to a great extent rendered unavailing, so long as the portion of the river above Montreal continues under the control of another Legislature, who do not feel the same interest in the completion of this improvement.

Your Majesty's faithful Commons would further represent that the union of the island of Montreal with Upper Canada would be doing no injustice to those of your Majesty's subjects at present residing within that portion of Lower Canada, inasmuch as it is the desire of your Majesty's faithful Commons in this province that the inhabitants should be amply secured in the enjoyment of the privileges they now possess in every respect, except that they shall be under the jurisdiction of this Legislature in all matters connected with trade and commerce.

Your Majesty's faithful subjects in this House are decidedly of opinion that the annexation of a sea-port town to Upper Canada would be productive of greater advantages to the mother country, Lower Canada and this province, than any measure yet proposed in British America; it would arouse a spirit of enterprise in both provinces, which has hitherto lain in a great measure dormant; it would enable this province in a few years to complete the ship canal now in progress from our great lakes to the ocean; it would increase the demand for British commerce and employment for British seamen to an incalculable extent, by the opening of a market for the supply of the southern and western parts of the continent of America; and the port of Quebec would most probably export as great a quantity of grain and flour as all the ports in the United States put together; it would increase the revenue which would be still collected in Lower Canada to a greater amount than is now collected in both provinces; it would double the value of property in that part of Lower Canada which would thereby be attached to this province, and greatly enhance the value of property in every other part of it.

Your Majesty's subjects residing in this province, by the present boundary line, are not only deprived of the natural right they long since should have enjoyed, of free access to the sea, the St. Lawrence being a common highway to both provinces, of the control of a sea-port town, and of the wealth arising from foreign commerce, but in effect the Legislature of this province is rendered powerless; it is in vain to appoint finance committees to raise ways and means, or attempt any improvement on which they are to rely, either on duties or any indirect tax from a sea-port. The principal item to pay the interest on the loan contracted by the State of New York to construct the Erie Canal was two-and-a-half per cent. upon auction duties; this was collected in the city of New York, although it came out of the consumer to the westward. With us, your Majesty's faithful

subjects in this province, are the consumers, while this and similar duties accrue principally in Montreal, and we do not receive any portion of them.

The evil result of this policy, in dividing the country above Montreal, and thereby excluding our province from all control over the sea-port, though entitled to a portion of the duties levied thereat, instead of giving to each province a separate port of entry, under the exclusive control of its Legislature, may be seen by contrasting the effects produced in the State of New York and the State of Pennsylvania, contrasted with the state of the provinces of Upper Canada and Lower Canada. The two former States have never, up to the present moment, had any assistance from foreign revenue, the whole amount having been applied to the purposes of their general government: notwithstanding, by the wealth created from foreign commerce, which centres in all commercial cities or sea-ports, and having the control of those sea-ports under one legislature, they have been enabled to borrow money to any extent, have made many thousand miles of canal connecting their inland waters, and added many millions to the value of the interior of their country: during which period, although we have the most easy, most direct, the shortest and best route to the ocean, only having a distance of 28 miles in length, with 160 feet lockage, to unite those waters, thereby virtually making a sea coast of lakes Ontario and Erie, St. Clair, Huron and Michigan, up to the present moment the Legislature of Lower Canada has not made an attempt to improve this communication; and although the entire commerce of this immense country is being gradually transferred to the atlantic cities of New York and Pennsylvania, they cannot feel or see the necessity of immediate action: and your Majesty's faithful Commons despair of ever having a free access to the ocean until the boundary line is altered so as to give the Legislature of this province the entire control of a sea-port which of right they should long since have possessed.

Commons House of Assembly, }
17th day of January 1837. }

Arch^d M^r Lean, Speaker.

THE CANADAS.

PAPERS respecting DISCUSSIONS with the
HOUSES of ASSEMBLY and LEGISLATIVE
COUNCIL.

(*Mr. Patrick Stewart.*)

*Ordered, by The House of Commons, to be Printed,
9 May 1837.*

EMIGRATION (CANADA).

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 February 1837;—for,

C O P Y

OF

THE ANNUAL REPORT

FROM

THE AGENT FOR EMIGRATION IN CANADA, FOR 1836.

Colonial Office, Downing-street,
17 March 1837.

G. GREY.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
21 March 1837.

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EMIGRATION (CANADA).

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg, transmitting a Copy of the ANNUAL REPORT from the Acting Agent for Emigration in Canada, for 1836.

My Lord,

Castle of St. Lewis, Quebec,
23d December 1836.

I HAVE the honour herewith to transmit the usual Annual Report on Emigration to these Colonies, which I have recently received from Mr. A. C. Buchanan, jun., the Acting Agent here.

Your Lordship will observe, that the number of Emigrants who have this year entered the Canadas, by the river St. Lawrence, exceeds that of last year by 15,191; the numbers in 1835 being 12,527, and in 1836, 27,728.

I have, &c.

(signed) Gosford.

COPY of ANNUAL REPORT from A. C. Buchanan, Esq., Acting Chief Agent for Emigration in Canada, addressed to the Earl of Gosford, &c. &c. &c.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 12th December 1836.

My Lord,

THE navigation of the river St. Lawrence being closed for this season, it becomes my duty, according to annual custom, to lay before your Excellency, for the information of His Majesty's Government, the following Report of the emigration to these provinces, during the present year.

Your Excellency will, doubtless, derive great satisfaction from the knowledge that a very considerable augmentation has taken place in the number of emigrants who have arrived at Quebec this year over that of the year 1835.

Number of Emigrants greater this year than last.

On reference to Paper No. 1, at page 6 of the Appendix, it will be seen, that the total number of emigrants recorded at this office, from the opening of the navigation to its close, amounts to 27,728, being an increase over last year of 15,191 souls.

Paper No. 2, at pages 7, 8 and 9 of the Appendix, shows a detailed statement of the ports from whence these emigrants sailed, as well as the particular number from each country. From England, the total compared with last year gives an increase of 9,121 persons; from Ireland, the increase is 5,488; while from Scotland, the number merely exceeds that of last year by 97 souls.

Number of Emigrants from United Kingdom.

From the continent of Europe 483 emigrants have arrived during the season, chiefly Swiss and Bavarians, who sailed from Havre de Grace. Part of the latter proceeded to join their countrymen on the Ohio, and about 200 have settled in the Eastern Townships.

Number from the Continent.

Paper No. 3, at page 9 of the Appendix, exhibits a comparative account of the number of emigrants who have arrived in the province during the last eight years, amounting in the aggregate to 238,887 souls.

Number of arrivals during last eight years.

It affords me much gratification that I have only to report one shipwreck this season, attended with the loss of life. The "Charlotte Douglas," from Londonderry, with 260 passengers was wrecked on Point Peter, but most fortunately with the loss of only two passengers and one seaman.

One shipwreck, with loss of three persons.

Sickness at Quarantine Station and Marine Hospital.

Distribution of Emigrants.

Good condition on landing.

Increased number of labourers and artisans.
Aided in Emigration.

Emigrants sent out by Earl of Egremont; by Earl of Stradbroke.

Funds remitted and paid to Emigrants.

Payments made to Emigrants previous to sailing; Objectionable.

Settlement on British American Land Company's Lots in Eastern Townships.
Favourable Accounts of same.

Number of Emigrants to Eastern Townships.

Conduct of Ship-masters and Ship-brokers.

It must be a source of great and continued thankfulness to all, that no death from cholera has been reported in these provinces during the past season. I regret, however, to state, that several cases of sickness terminating fatally, occurred among the emigrants at the quarantine station and at the marine hospital, near this city; a statement of which your Excellency will find in Paper No. 4, at page 10 of the Appendix.

Your Lordship will remark also in Paper No. 4, at page 10 of the Appendix, a statement of the several places to which the emigrants of this year proceeded for settlement and employment. I have much pleasure in stating, that, generally speaking, they landed in good condition, and, with the exception of a few from the south and west of Ireland, were possessed of sufficient means to make their way to their respective places of destination.

A very important increase, in comparison with the year 1835, has taken place in the number of the persons of the working classes, particularly agricultural labourers and artisans, who have been aided in their emigration either by parochial assistance or by their landlords. The total number of persons arrived this year, as will appear on reference to Paper No. 1, at page 6 of the Appendix is 4,625, while that of 1835 was 1,043, showing an excess in favour of this year of 3,582.

The majority of these individuals so aided by the parish or by the landed gentry, came from Norfolk, Suffolk, Kent, Hampshire, Wilts and Sussex; and ample funds had been remitted for their benefit on their arrival at Quebec. Amongst the number are 266 persons aided by the Earl of Egremont, from his estates in Sussex, through whose continued benevolence these provinces are every year enriched with many useful settlers; and 177 aided by the Earl of Stradbroke, from his property in Suffolk, which last were particularly recommended to this department in a letter from his Lordship. These two parties proceeded immediately on arrival to Upper Canada.

I have also received several communications from magistrates and clergymen in different parishes who have aided their tenantry to emigrate. In many instances a considerable amount in cash has been remitted through Mr. J. D. Pinnock, Government Agent General for Emigration, to this department, which has been paid over in accordance with the instructions received.

On reference to Paper No. 6, at page 11 of the Appendix, your Lordship will find a detailed statement, with the names of the vessels in which the emigrants arrived, the county they are from, the sterling amount remitted, and the amount, in Halifax currency, paid to each party. The same paper also shows a statement of those emigrants who received the sum allotted to them in England, previous to sailing, or from the captain of the ship, on arrival here. This arrangement I do not consider favourable to the emigrants, or likely to fulfil the wishes and intentions of their benefactors, since, in frequent instances, persons so assisted, dissipated nearly all their money on their passage, principally in purchasing ardent spirits from the captain. The consequence was, that on landing, they were unable to proceed further, and recourse was necessarily had to the charitable societies of this place to forward them. This happened to several families on board the "Allandale," sent out by the Earl of Stradbroke; and I took the liberty of communicating the circumstance to his Lordship, and of recommending, in the event of any further emigration from his estates, the adoption of Mr. Pinnock's arrangement, by which all money intended for the benefit of the emigrant is now paid to him on his arrival at Quebec, under the superintendence of this department.

I have forwarded a separate Return for each parish to the Government Agent in London; and in my letter, to be found at page 16 of the Appendix, it will be seen that I have alluded at some length to the circumstances abovementioned. There cannot, I think, be any reasonable doubt of the ultimate success of the emigrant who receives parochial aid, or of the permanent benefit which will have been conferred upon him by his change of situation, provided only he follows the instructions given to him, and conducts himself with ordinary industry and sobriety.

A considerable number of persons, assisted as above, have settled on the British American Land Company's lots in the eastern townships, and in the newly opened settlements on the Salmon River. The accounts which I continue to receive of the progress of emigrants settled in that part of the country are most satisfactory, especially with reference to two parties from the county of Hants. The first arrived here early in May last, and, according to my directions, proceeded at once to Sherbrooke, with my letter of recommendation to the sub-commissioner at that place. All who wanted employment obtained it immediately; while a considerable number of families went on lands, and were sufficiently early to get in a small crop, which will enable them to pass the approaching winter in comparative comfort. The second party alluded to did not arrive until September, and although they have not the advantages which the first party possess, still they have been enabled to get upon their land, and have a comfortable log-house, with their winter provisions secured.

I beg to refer your Excellency to two letters from Mr. Webster, the sub-commissioner of the British American Land Company at Sherbrooke, at pages 25 and 26 of the Appendix, which allude to these people, and furnish besides some general information as to the views and intention of that Company. The number of emigrants who have proceeded to that section of the country since the opening of the navigation is upwards of 6,000 souls, who are all well satisfied; and from the arrangements going forward and in contemplation, I anticipate next season a very extensive emigration to that part of the province.

I have to regret, my Lord, that many complaints still exist against the conduct of certain masters of vessels and ship-brokers to passengers, with frequent positive infringements of the new Passenger Act. A very general charge is the insufficiency of the supply of water, and

and that, even when sufficient in quantity, in many cases it is of a quality impossible to be used. In every instance a remedy has been applied where it was found practicable, or notice has been taken, and the minutes entered on the books of this office, against the vessel in question. Owing, however, to the hurry in which the emigrant generally is to depart by the first steam-boat after arrival, through want of written agreements with the captain or broker, from defective evidence, and other unforeseen and unavoidable causes, it is extremely difficult to obtain justice, or to visit the offender with the penalty which he has so palpably incurred.

Difficult to obtain redress.

Your Excellency will observe, on reference to Paper No. 5, at page 10 of the Appendix, a very considerable increase in the number of emigrants who have arrived from the United Kingdom at New York this season. The augmentation is upwards of 42,326 souls over the number of last year. Although the emigration by the St. Lawrence has also greatly increased, the preponderance in favour of New York may doubtless be accounted for by the representations of settlers in the Upper Province, writing home to their friends, and complaining of the privations and hardships to which they were exposed in previous years in coming out by this river, and the detention they met with at the quarantine station. It affords me, however, great satisfaction to be able to state, that there has been no cause of complaint against that establishment during the past season. Other causes have also tended to increase the emigration by the way of the United States. The superior accommodations and less crowded state of the American vessels, which generally perform the voyage in a shorter space of time, offer of themselves sufficient inducement to those who can afford it, to give the preference to that route; while the many facilities which they meet on arrival, smoothing the way, as it were, to the Province Line and the borders of Lakes Ontario and Erie, have obtained for the transit by way of New York a large share of popular favour. It is gratifying, however, to recal to mind that Upper Canada receives every year by this route a valuable accession of prudent and steady settlers, whose means and capital enable them at once to become permanent occupiers of land.

Increased Emigration by way of New York.

I consider myself fully justified in reporting to your Lordship, that the sanatory state of these provinces was never more favourable, or were they ever in a better condition to receive a number of the surplus population of the United Kingdom. The increasing demand for all denominations of the working classes, as also for agricultural labourers and artisans, to whom the very highest rate of wages is given, affords the strongest inducements to emigration. In several communications which I have received from the contractors on public works in Upper Canada, it is stated that they find it impossible to procure a sufficient number of hands; and it is notorious, that from this cause many public and private improvements have been retarded during the past season, particularly in Upper Canada. From the numerous public works which will be commenced next spring in that province, and from the expressed intention of his Excellency the Lieutenant-Governor to throw open new townships, I anticipate no difficulty in obtaining settlement and immediate employment for 20,000 persons of the labouring class during the season of 1837. The Commissioners of the Lower Canada Land Company have also exerted themselves greatly during the past season, and have furnished employment to all who required it of them. The improvements in the townships contemplated by that company are of a very extensive description, and will require a large number of labourers; several new roads are to be opened, leading to the back settlements; and a joint stock company is in contemplation, to construct a rail-road from the village of Sherbrooke to Port St. Francis, a distance of 90 miles, which, when carried into effect, will be of immense advantage to that part of the country, in the extension of trade, and in the providing employment for the industrious emigrant immediately on arrival in the province.

Healthy state of the Canadas.

Demand for Labourers and Artisans.

Public Works and private Improvements.

Favourable anticipations for season of 1837.

Contemplated Improvements.

I regret extremely that the indisposition of my relative, the chief agent, now in England on leave of absence, for the recovery of his health, still continues; and although I am very sensible of his superior ability and long experience, I trust that no exertions have been wanting on my part to remedy, as far as possible, the absence of his superintending care over this department. I confidently trust, however, that he will be enabled to resume his duties in these provinces on the opening of the navigation next spring.

Conclusion.

Begging leave to refer your Excellency generally to the Appendix for various information explanatory of this Report, and soliciting the honour of your Lordship being pleased to transmit the same to His Majesty's Principal Secretary of State for the Colonial Department, for the information of His Majesty's Government,

I have the honour to be, &c. &c.

(signed) A. C. Buchanan, jun.,

Acting Chief Agent.

APPENDIX.

— No. 1. —

Appendix, No. 1.

Weekly arrivals
at Quebec and
Montreal in 1836.

THE following STATEMENT shows the WEEKLY ARRIVAL of EMIGRANTS at *Quebec* and *Montreal* during the Year 1836; specifying the Number of Males, Females and Children under 14 Years; also the Number of voluntary Emigrants and those that received Parochial Aid.

Week Ending	Males.	Females.	Children under 14 Years.	Parochial Aid.	Voluntary.	TOTAL each Week.
May - - 21 - - -	353	200	123	20	656	676
„ - - 28 - - -	580	269	297	279	867	1,146
June - - 4 - - -	1,514	946	627	129	2,958	3,087
„ - - 11 - - -	2,272	1,323	957	1,011	3,541	4,552
„ - - 18 - - -	1,329	694	459	475	2,007	2,482
„ - - 25 - - -	1,639	825	620	265	2,819	3,084
July - - 2 - - -	989	551	366	22	1,884	1,906
„ - - 9 - - -	146	67	44	-	257	257
„ - - 16 - - -	215	98	69	235	147	382
„ - - 23 - - -	1,429	763	482	223	2,451	2,674
„ - - 30 - - -	1,036	573	373	611	1,371	1,982
August - 6 - - -	372	228	137	256	481	737
„ - - 13 - - -	323	171	132	231	395	626
„ - - 20 - - -	566	311	210	359	728	1,087
„ - - 27 - - -	341	181	125	100	547	647
September 3 - - -	493	249	168	318	592	910
„ - 16 - - -	209	90	58	-	357	357
„ - 17 - - -	244	115	80	66	373	439
„ - 24 - - -	85	32	23	-	140	140
October - 1 - - -	57	22	15	25	69	94
„ - 8 - - -	52	23	18	-	93	93
„ - 15 - - -	169	94	57	-	320	320
„ - 22 - - -	14	5	5	-	9	24
„ - 29 - - -	8	3	3	-	14	14
November 5 - - -	12	-	-	-	12	12
TOTAL - -	14,447	7,833	5,448	4,625	23,088	27,728

Emigrant Department, Quebec, }
12 December 1836.

(signed)

A. C. Buchanan, jun.,
Acting Chief Agent.

— No. 2. —

Appendix, No. 2.

NAMES of PORTS from whence EMIGRANTS came during the Year 1836, with a
 COMPARATIVE STATEMENT of the Numbers arrived at *Quebec* and *Montreal* during
 the five preceding Years.

ENGLAND.

NAMES OF PORTS.	1836.	1835.	1834.	1833.	1832.	1831.
London - - - -	1,666	762	1,051	1,287	4,150	1,135
Chatham - - - -	-	-	22	17	-	-
Shoreham - - - -	-	-	62	-	99	-
Portsmouth - - - -	778	247	163	251	932	-
Southampton - - - -	-	-	1	20	-	4
Newport - - - -	-	4	20	2	156	1
Dartmouth - - - -	76	30	82	81	196	9
Poole - - - -	74	6	1	84	150	106
Plymouth - - - -	88	211	850	440	1,398	474
Torquay - - - -	-	10	-	-	48	-
Exeter - - - -	-	1	-	-	6	-
Falmouth - - - -	11	-	59	31	107	77
Penzance - - - -	-	13	12	-	28	19
Jersey - - - -	27	2	17	2	-	-
Padstow - - - -	8	13	29	53	335	5
Bideford - - - -	16	-	-	-	60	51
Bridgewater - - - -	-	2	37	16	306	280
Bristol - - - -	283	129	64	107	1,836	764
Gloucester and Frome - - - -	22	3	10	7	-	6
Milford - - - -	7	1	5	35	138	15
Carmarthen - - - -	-	6	-	22	-	45
Swansea - - - -	-	-	32	-	63	-
Aberystwyth - - - -	-	2	37	42	27	-
Llanelly - - - -	-	-	-	-	21	-
Liverpool - - - -	3,748	388	1,060	551	2,217	2,261
Lancaster - - - -	-	-	-	61	45	43
Whitehaven - - - -	110	-	72	413	795	138
Maryport - - - -	15	182	538	315	884	421
Workington - - - -	-	-	29	-	246	399
Berwick and Newcastle - - - -	16	210	459	208	340	239
Sunderland - - - -	155	16	57	40	206	86
Scarboro' and Shields - - - -	14	1	49	1	12	-
Stockton - - - -	-	18	192	233	132	-
Whitby - - - -	71	59	273	46	236	471
Brant - - - -	8	-	-	-	-	-
Hull - - - -	465	462	1,171	655	1,288	2,780
Ipswich - - - -	555	-	-	-	-	-
Yarmouth - - - -	3,025	203	345	171	793	514
Lowestoft - - - -	119	-	-	-	-	-
Colchester - - - -	-	-	-	-	145	-
Tynemouth and Wigton - - - -	21	-	-	-	-	-
Lynn - - - -	810	86	-	7	86	-
TOTAL - - -	12,188	3,067	6,799	5,198	17,481	10,343

Ports from whence
Emigrants came.

IRELAND.

NAMES OF PORTS.	1836.	1835.	1834.	1833.	1832.	1831.
Dublin - - - -	2,438	912	5,879	3,571	6,595	7,157
Wexford - - - -	18	6	23	21	157	229
Ross - - - - -	208	259	278	325	926	1,159
Waterford - - -	629	205	1,008	197	877	1,216
Youghal - - - -	249	65	203	53	159	210
Cork - - - - -	2,588	861	2,261	925	1,987	2,735
Baltimore - - -	166	99	-	-	184	-
Tralee - - - - -	250	42	217	67	133	114
Limerick - - - -	906	641	1,097	602	1,689	2,759
Clare - - - - -	-	-	-	19	-	-
Galway - - - - -	83	-	79	190	425	452
Westport - - - -	-	194	221	-	529	720
Killala - - - - -	288	-	-	-	-	514
Sligo - - - - -	1,687	893	2,114	657	2,961	4,079
Ballyshannon - -	122	-	154	71	86	200
Donegal - - - - -	66	-	2	-	113	-
Londonderry - - -	1,427	1,041	1,580	1,852	2,582	2,888
Larne - - - - -	-	-	-	-	137	-
Belfast - - - - -	1,209	1,350	3,024	2,637	6,851	7,943
Newry - - - - -	144	537	945	725	1,374	1,591
Strangford - - -	-	-	117	41	349	169
Drogheda - - - -	-	-	-	60	90	-
Kilrush - - - - -	-	-	4	-	-	-
Kinsale - - - - -	118	3	2	-	-	-
TOTAL - - - -	12,596	7,108	19,208	12,013	28,204	34,135

SCOTLAND.

NAMES OF PORTS.	1836.	1835.	1834.	1833.	1832.	1831.
Dumfries - - - -	-	26	-	137	-	-
Ayr - - - - -	-	-	221	24	-	40
Kirkwall and Thurso	149	-	-	-	-	-
Inverness - - - -	-	183	-	138	-	361
Cromarty - - - -	345	181	276	298	638	460
Greenock - - - -	519	597	1,140	1,458	1,716	2,988
Campbelltown - -	-	-	-	192	110	-
Glasgow - - - - -	32	80	462	168	160	176
Montrose - - - -	19	16	87	75	60	-
Peterhead - - - -	-	42	29	41	18	13
Dundee - - - - -	11	37	99	194	439	249
Grangemouth - - -	6	1	-	-	-	196
Leith - - - - -	45	247	661	622	1,145	664
Aberdeen - - - -	696	545	647	116	478	158
Isla - - - - -	-	123	358	601	181	-
Lochinbar - - - -	28	-	-	-	-	-
Annan - - - - -	-	30	391	-	175	-
Lochindoil - - - -	174	-	-	-	-	-
Alloa - - - - -	-	13	87	-	231	-
Leven - - - - -	-	-	-	39	112	-
Irvine - - - - -	-	6	-	6	37	-
Kirkaldy - - - - -	-	-	33	47	-	-
Tobermorey - - - -	-	-	99	40	-	-
Troon - - - - -	-	-	1	-	-	-
TOTAL - - - -	2,224	2,127	4,591	4,196	5,500	5,305

Appendix, No. 2.

LOWER PORTS, &c.

Ports from whence
Emigrants came.

	1836.	1835.	1834.	1833.	1832.	1831.
Newfoundland, Nova Scotia, Cape Breton, West Indies, &c. &c. &c. - - - - }	235	225	339	359	561	424

CONTINENT.

Havre de Grace - - - -	485	—	—	—	—	—
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Emigrant Department, Quebec, }
12 December 1836.

(signed)

A. C. Buchanan, jun.,
Acting Chief Agent.

— No. 3. —

Appendix, No. 3.

COMPARATIVE STATEMENT of the Number of EMIGRANTS arrived at *Quebec* since
the Year 1829 inclusive.Comparative Num-
ber of Emigrants
since 1829.

WHERE FROM.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.
England and Wales - -	3,565	6,799	10,343	17,481	5,198	6,799	3,067	12,188
Ireland - - - -	9,614	18,300	34,133	28,204	12,013	19,206	7,108	12,590
Scotland - - - -	2,643	2,450	5,354	5,500	4,196	4,591	2,127	2,224
Hamburgh and Gibraltar - - -	- - -	- - -	- - -	15	—	—	—	—
Nova Scotia, Newfoundland, West Indies, France, &c. }	123	451	424	546	345	339	225	235
&c. &c. - - - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -
Havre de Grace - - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	485
	15,945	28,000	50,254	51,746	21,752	30,935	12,527	27,722

GRAND TOTAL - - - 238,887

Emigrant Department, Quebec, }
12 December 1836.

(signed)

A. C. Buchanan, jun.,
Acting Chief Agent.

Appendix, No. 4.

— No. 4.—

Distribution of
Emigrants in 1836.DISTRIBUTION of EMIGRANTS arrived at *Quebec* in the Year 1836, as far as can
be ascertained.

LOWER CANADA.						
City and District of Quebec	-	-	-	-	1,000	
District of Three Rivers	-	-	-	-	200	
District of St. Francis, and Eastern Townships	-	-	-	-	6,000	
City and District of Montreal	-	-	-	-	1,500	
Ottawa District	-	-	-	-	900	
TOTAL to LOWER CANADA						9,600
UPPER CANADA.						
Ottawa, Bathurst, Midland and Eastern District, as far as Kingston included; portion of these are employed at the Long Saut Canal	-	-	-	-	3,600	
District of Newcastle, and Townships in the vicinity of the Bay of Quinte	-	-	-	-	1,500	
Toronto and the Home District, including Settlements round Lake Simco	-	-	-	-	3,000	
Hamilton, Guelph and Huron Tract, and situations adjacent	-	-	-	-	1,400	
Niagara Frontier and District, including the Line of the Welland Canal and round the Head of Lake Ontario to Hamilton	-	-	-	-	1,500	
Settlements bordering on Lake Erie, including the London District, Adelaide Settlement and on to Lake St. Clair	-	-	-	-	2,000	
TOTAL to UPPER CANADA						13,000
Died at Grosse Isle	-	-	-	-	58	
Died in the Marine Hospital at Quebec	-	-	-	-	30	
Returned to Picton	-	-	-	-	67	
Gone to the United States	-	-	-	-	4,973	
						5,128
GRAND TOTAL					-	27,728

Emigrant Department, }
Quebec, 12 December 1836.

(signed)

A. C. Buchanan, jun.,
Acting Chief Agent.

Appendix, No. 5.

— No. 5.—

Number of Emi-
grants arrived at
New York for last
Eight Years.RETURN of the Number of EMIGRANTS arrived at *New York* from the United Kingdom
for the last Eight Years.

		England.	Ireland.	Scotland.	TOTAL.
In the Year	1829	8,110	2,443	948	11,501
	1830	16,350	3,499	1,584	21,433
	1831	13,808	6,721	2,078	22,607
	1832	18,947	6,050	3,286	28,283
	1833	-	-	-	16,100
	1834	-	-	-	26,540
	1835	-	-	-	16,749
	1836	-	-	-	59,075
		TOTAL			202,288

Emigrant Department, }
Quebec, 12 December 1836.A. C. Buchanan, jun.,
Acting Chief Agent.

—No. 6.—

Appendix, No. 6.

THE NUMBER of PAUPER EMIGRANTS who were sent out from different Counties in *England*; as well as the sundry Sums remitted to this Department to be distributed among them on arrival here; also the Number sent out who received their Money previous to leaving *England*.

Pauper Emigrants
from *England*.

Number sent.	Name of the Ship they came by.	Name of the County they came from.	Amount in Sterling remitted.	Amount in Halifax Currency paid them here.
			£. s. d.	£. s. d.
20	Procris - - -	Southampton - -	28 - -	33 12 -
279	King William - -	Wilts - - -	370 2 6	439 16 11
29	James and Ann - -	Southampton - -	20 10 -	24 12 -
15	- ditto - - -	- ditto - - -	24 - -	28 16 -
38	- ditto - - -	- ditto - - -	51 - -	61 4 -
29	Anne - - -	Norfolk - - -	37 10 -	45 - -
45	Lavinia - - -	Southampton - -	56 - -	67 4 -
26	Caroline - - -	Kent - - -	41 - -	49 4 -
2	- ditto - - -	- ditto - - -	17 - -	20 8 -
19	Cairon - - -	Norfolk - - -	23 15 -	28 10 -
20	Eurus - - -	- ditto - - -	29 17 6	35 17 -
23	Penelope - - -	- ditto - - -	27 13 6	33 3 11
45	Hartley - - -	Southampton - -	68 5 -	79 12 5
390		£.	794 13 6	947 - 3

THE NUMBER sent out who received their MONEY previous to leaving *England*.

3 per the Ship	Lavinia - - -	from - - -	Southampton.
162 - "	Anne - - -	" - - -	Lynn.
266 - "	Hebe - - -	" - - -	Portsmouth.
166 - "	Caroline - - -	" - - -	London.
177 - "	Allendale - - -	" - - -	Yarmouth.
185 - "	Venus - - -	" - - -	- ditto.
187 - "	Cairon - - -	" - - -	- ditto.
119 - "	Albion - - -	" - - -	Lowestoft.
150 - "	Severn - - -	" - - -	Bristol.
68 - "	Eurus - - -	" - - -	London.
177 - "	Venus - - -	" - - -	Ipswich.
235 - "	Lochiel - - -	" - - -	- ditto.
223 - "	Morning Star - - -	" - - -	Yarmouth.
445 - "	Brunswick - - -	" - - -	- ditto.
166 - "	Ardwell - - -	" - - -	Lynn.
256 - "	Columbia - - -	" - - -	Yarmouth.
186 - "	Heartly - - -	" - - -	Portsmouth.
142 - "	Mayflower - - -	" - - -	- ditto.
217 - "	Eliza Riddle - - -	" - - -	Lynn.
100 - "	Portsea - - -	" - - -	London.
140 - "	Mary Stuart - - -	" - - -	Ipswich.
178 - "	Indemnity - - -	" - - -	Yarmouth.
66 - "	Marmion - - -	" - - -	London.
25 - "	Newhaven - - -	" - - -	- ditto.
4,039			

Emigrant Department, Quebec, }
12 December 1836.

(signed) A. C. Buchanan, jun.,
Acting Chief Agent.

Extracts from
Weekly Reports.

EXTRACTS from the several WEEKLY REPORTS made to the GOVERNOR-IN-CHIEF by
the ACTING CHIEF AGENT for EMIGRATION at *Quebec*.

Week ending 21st May 1836.

THE emigrants arrived this week are principally of the working class, and all possess sufficient means to enable them to reach their destination. They are principally gone to Upper Canada.

In the ship "*Procris*," from Poole, a few families, in all about 20 souls, who were sent out from the parish of Breamore, in the county of Southampton, with directions and instructions from J. D. Pinnock, Esq., Government Agent General for Emigration, who forwarded me an order for 28*l.* sterling, to be distributed among them, one half on their arrival here, and the balance on reaching their destination. They all, with the exception of two, proceeded to the Eastern Townships, and received every assistance and advice from this office. They went off in good spirits.

Week ending 28th May.

The emigrants arrived this week are, with the exception of a few families in the "*Breeze*," from Limerick, and the "*Elizabeth Ann*," from Cork, all well provided with means to enable them to proceed to Upper Canada; and they have received every advice and attention from this office. Among those arrived this week are 130 pauper families, in all, 279 souls, sent out by the parishes of Downton, Whiteparish and Standlynch, in the county of Wilts. They are all well provided; I have received a draft for 370*l.* 2*s.* 6*d.* sterling, to be distributed among them.

Week ending 4th June.

The emigrants arrived this week are principally farmers and labourers, with a few trades; the latter generally obtained employment immediately on their arrival here; the majority of those who have left this are gone to Upper Canada, and a considerable number to the Eastern Townships, as also to the United States. The very high rate of wages which labourers obtain there, have induced many, who otherwise intended settling in the Provinces, to go there.

They are all in good health, and some of them in possession of considerable means, and all have sufficient to enable them to proceed from this.

The "*James and Anne*" brought 81 families sent out by the parishes of Hurtsbourne Priors, St. Mary Bourne and Long Parish, in the county of Hants, with an order for 95*l.* 10*s.* sterling, equal to 114 *l.* currency, to be paid to them on their arrival here; they have all gone to Upper Canada.

The "*Lavinia*," from Portsmouth, has also on board 48 passengers from the county of Southampton, under similar circumstances, but they have not yet landed.

There has been several complaints lodged at this office against the captain of the brig "*Bellisle*," from Dublin. The passengers complain of a short allowance of water, and what they did get was so bad as to be almost impossible to use; and that two of their number died on the voyage from a violent attack of dysentery, brought on by the unwholesome water. These charges are undergoing investigation, and so soon as it is finished, I shall submit the whole to his Lordship; I have written to Mr. Pinnock, Government Agent General, Colonial Office, informing him of these charges and of the steps I had taken.

Week ending 11th June.

Among the emigrants arrived this week there are a considerable number of families possessed of large means, and who have proceeded to settle in the Eastern Townships.

The number of families who have gone to settle on the Company's lands this spring, are very numerous, and amount to upwards of 1,000 souls; the facilities and attention afforded by the Company have induced very many to proceed there, in preference to Upper Canada.

There is a very considerable number of English emigrants arrived this week, who have received parochial assistance: among them are 266 souls sent out by the Earl of Egremont from his estates in Sussex, in the "*Hebe*;" they are all well provided with means. The Earl of Stradbroke has also sent 177 out, from his estates in Suffolk. There are also 568 emigrants sent out under the direction of J. D. Pinnock, Esq., who have received assistance from this department; they are from the county of Kent and Southampton, and proceeded all to Upper Canada.

Week ending 18th June.

The greater part of the emigrants who arrived this week were in a very destitute condition, and were forwarded to Montreal by the Emigrant Society; they are principally from the west and south of Ireland. The majority of English emigrants who arrived this week were sent out by their parishes, and had sufficient means to enable them to proceed to their destination, which was principally Upper Canada.

They received every attention and advice from this office, and all those who required, received recommendation for employment on the public works at present going on in Upper Canada.

The

The Scotch emigrants this year are very respectable, and are all well provided with means, and have generally friends already settled in the Upper country, where they have gone.

Extracts from
Weekly Reports.

Week ending 25th June.

The emigrants arrived out this week are principally labourers, and some few tradesmen; many of the former class were quite destitute, and those who had families were sent forward by the Emigrant Society. Thirty-four of the passengers from the wreck of the "Charlotte Douglas" have come up; they have saved very little of their baggage, and most of them landed here without any means, having exhausted their small remaining stock of cash in getting up from the wreck; they also state that the passengers who remain below were very badly off, and almost all unable to pay their passage up here. They received every attention from this department, and advice where they would be certain of employment.

Week ending 2d July.

Among the emigrants arrived this week are 215 in the "Chieftain," from Havre; they are principally Swiss and Bavarians; the majority are agriculturists, and a few mechanics. They proceed to Montreal, with the intention of settling in Ohio. About 20 families have gone to the Eastern Townships; they all appear to have sufficient means to enable them to proceed on their route.

The remainder of the passengers who were wrecked at Point Peter, in the "Charlotte Douglas," have arrived, amounting to 260 souls—many in a very destitute condition. They received assistance from the Emigrant Society, and were forwarded to Montreal and Port St. Francis.

The remainder of the emigrants arrived this week are of a better class, and many possessed of considerable means. Six families, 22 in number, were assisted to emigrate from the parish of Beachamwell, in Norfolk, by J. Motteaux, Esq., who remitted 80*l.* sterling to be divided among them; they have gone to settle in the neighbourhood of Port Hope, where a number of their friends proceeded last year; and from the favourable accounts received from them has been the cause of these people coming out.

The number of emigrants arrived up to this period is near three times as many as at the same period last year; and I am disposed to think, from accounts received, that we may anticipate a very considerable number yet; and at the lowest computation I think we will have from 25,000 to 30,000 out this season. I still continue to receive very favourable accounts from all parts of the provinces of the increasing demand for labourers and mechanics, and I can obtain immediate employment for all that may arrive this season, even should they surpass my highest expectation.

Week ending 23d July.

The emigrants arrived this week are in general of a good class, such as respectable farmers, and trades of various kinds, and farm labourers, almost all in good circumstances, and enabled to proceed to their several destinations.

In the "Morning Star," from Yarmouth, there came out 223 emigrants, who were sent out by their different parishes, and are principally from Suffolk; some of them had letters of recommendation to his Excellency the Earl of Gosford, and they have proceeded to Montreal to deliver them. The remainder have left this, with the intention of settling in the Eastern Townships. They all received every advice and assistance necessary to enable them to procure immediate employment from this office.

I have received several complaints from the passengers in the "Celia" and "Kingston," from Liverpool; they complain very much of the treatment they received from Messrs. Shaw & Co. (and their agent, a Mr. O'Neill), passenger agents at Liverpool. This is the third complaint made by passengers this season against these parties. They have also charged the full tax of 4*s.* 6*d.* sterling on all the children, as they did in a previous case in the passengers per "Eliza," from the same port, and which I have reported home to Mr. Pinnock, Government Agent General for Emigration.

Week ending 30th July.

The emigrants arrived this week are generally well supplied wherewith to enable them to proceed to their destination. Among the arrivals 270 emigrants came from Havre; they are principally from the Rhine, Bavarians and Germans, and have all gone to the United States, with the exception of about 40, who were unable to proceed from want of means. The number of families who have gone into the Eastern Townships this week is very considerable, being nearly 800 souls; many are possessed of means, and intend to purchase lands for themselves and friends, whom they expect out this fall.

The demand for labourers on the St. Lawrence Canal still increases; they are at present in want of 2,000 hands, by accounts which I received a few days since.

Week ending 6th August.

The emigrants arrived this week consist principally of tradesmen, farmers and labourers, of whom very few remain in Quebec; the majority are Irish, and have all proceeded up to

Extracts from
Weekly Reports.

Montreal; very many are induced to go to the United States, owing to the exaggerated accounts of wages given them on the numerous railroads and canals at present in construction. I am informed that the party of Germans who arrived last week in the "Hero," from Havre, have been induced, with the exception of a few families, to settle on the Company's lands in the Eastern Townships, and upwards of 200 returned from Montreal to Port St. Francis.

Week ending 13th August.

The great proportion of emigrants arrived this week are from Ireland, with 231 English pauper emigrants, that are from the county of Southampton. A party of them, 55 in number, have been assisted to emigrate from the parishes of Wonston, Mileheldiver, Stoke, Hunton and Woodmancote, and have been strongly recommended to this department by the Rev. A. R. C. Dallas, Rector of Wonston, who has transmitted the sum of 68 l. 5 s. sterling, to be divided among the different families, under the direction of this department. They are all proceeding to the Eastern Townships, and from their appearance and character I have no doubt of their success. Very many of the Irish have gone to the States, and many have obtained orders for employment on the St. Lawrence Canal.

Week ending 20th August.

The emigrants arrived this week are very respectable, and generally well supplied with means to proceed to their destination. Among the number are 65 cabin passengers in the "Hampshire," from London; many of the party have been in the country before, and went home for their families and friends; they are proceeding to Upper Canada, to the vicinity of Hamilton and Dundas. Three hundred and fifty-nine of the arrivals this week are pauper emigrants, and principally from Norfolk and Southampton; a very large proportion proceed to the Eastern Townships. They received every advice necessary for their guidance.

I received a note from Captain Phillpotts, R. E., stating that 1,000 labourers were required on the St. Lawrence Canal, at wages of 15 and 17 dollars per month, and that board can be obtained for seven or eight dollars a month.

Week ending 27th August.

The emigrants arrived this week are, with the exception of a few, well provided with means, and have all proceeded to the Upper Province. A considerable number of Scotch families have come out, and are all going to the Glengarry settlement, where many of them have their friends; they have the appearance of steady industrious settlers, and all possessed of means.

Week ending 3d September.

The emigrants arrived this week are principally from England and a few from Scotland; they have all proceeded up in quest of employment; some, particularly the Scotch, are well provided with means.

Week ending 10th September.

There were several complaints made this week against the brig "Mariner," Captain Collin, by a party of emigrants, 67 in number, who stated that they engaged their passage with an agent of Messrs. Allan & Sons, of Leith, who was to send a vessel early in the spring to Thurso, to bring them out to Picton, but that on their getting on board, the captain stated that he was bound to Quebec; and when these poor people wished to have back their money it was refused, and as they could not afford to lose it, they were obliged to come out here; they have been now a week in town, waiting an opportunity down to Picton. This is a case of peculiar hardship and imposition practised on this party; and from the want of any written agreement, I was unable to obtain any legal redress for them.

Week ending 17th September.

But few emigrants arrived this week; among them were 66 paupers in the "Marmion," from London. They have all sufficient means to take them to their destination, principally Upper Canada.

Week ending 15th October.

Labourers are much wanted about town, and those among the arrivals this week, who wished, obtained immediate employment at good wages; the farmers in the neighbourhood are complaining of the scarcity of hands; the town and neighbourhood is unusually free from emigrants; I do not anticipate any further arrivals this season of consequence.

THE following are Copies of some of the numerous LETTERS addressed to this Department, from Magistrates, Landed Proprietors and others in the County of Norfolk, and other Parts of the United Kingdom, in relation to their sending out Emigrants; with ANSWERS thereto, from Mr. A. C. Buchanan, jun., Acting Chief Agent.

Letters from Landed Proprietors in England, with Answers thereto.

From the Parish of <i>Sherborne, St. John.</i>							
Charles Brace, wife and family	-	-	-	-	-	-	8
George Mathews - ditto	-	-	-	-	-	-	6
William Croff - ditto	-	-	-	-	-	-	7
James By - ditto	-	-	-	-	-	-	10
Thomas Gardiner - ditto	-	-	-	-	-	-	4
— Bennett - ditto	-	-	-	-	-	-	7
Charles Moor and wife	-	-	-	-	-	-	2
George Gibbons, single man	-	-	-	-	-	-	1
Henry Gibbons - ditto	-	-	-	-	-	-	1
Total from Sherborne							46
From the Parish of <i>Dean.</i>							
Charles Mathews, wife and family	-	-	-	-	-	-	5

Sir, Sherborne, St. John, near Basingstoke, Hants,
2d April 1836.

THE above persons from the parish of Sherborn, St. John, and the adjoining parish of Dean, near Basingstoke, Hants, 51 in number, will sail in a few days from the port of Bristol, in the ship "Severn," for Quebec, with the design of proceeding to Toronto, Upper Canada. I have directed them, upon landing at Quebec, immediately to wait upon you, as His Majesty's Chief Agent for Emigrants at that port, and to deliver to you this letter, which I take the liberty of addressing to you, the object of which is to request that you will afford them all necessary advice and assistance for expediting their journey up the country to Toronto with the least possible delay, and also to request that you will be so kind as to favour me with a line, as soon as may be convenient to you, to inform me of their arrival at Quebec, and of their subsequent departure from that place.

And I take this opportunity of thanking you for your very obliging attention to a similar application which I made to you last Spring, on behalf of a party of 25 emigrants, whom I then forwarded to Quebec from my parish of Sherborn, St. John, on board the same ship in which the present party will take their passage, of whose safe arrival you were so good as to inform me by letter, in compliance with my request to you. That party proceeded immediately under your direction to Toronto, and were kindly received there by Mr. Hawke, His Majesty's Chief Agent for Emigrants at that place, to whom they also delivered a letter, with which I have entrusted them; they were by him sent, together with my letter, to Sir John Colborne, who located the three families of James Lovegrove, George Turner and John Skew, in the vicinity of Brantford, assigning to each family five acres of land and a house, without expenses, for three years, and of which Mr. Hawke was so kind as to inform me.

I have subsequently received letters from the poor people themselves, who are much pleased with their situation and prospects, and thankfully acknowledge the kind treatment they received from the Government, and indeed from every body. They say, they are truly thankful to us for having sent them out, and they hope that their old friends and neighbours may be enabled to follow them.

The accounts they have sent home made a great impression on the labourers in this part of the country; and if means of providing passage, &c., could be found, almost any number of emigrants would freely emigrate, and we are now sending out the present party. I think it is much to be regretted that Government do not render some assistance to the agriculturists in transporting the emigrants to the colony. Our expenses for those we have sent amounts to more than 6*l.* a head, for young and old. If the Government would only fit out a certain number of vessels to convey emigrants, and merely to give them their passage, charging a moderate sum for provisions, it would be a great help, and the country would not be under any very heavy expenses.

The persons in whose behalf I now address you are all agricultural labourers, and are very anxious to be settled, if possible, in the vicinity of their old friends and neighbours, whom I recommended to you last year; and I should consider it a great favour if you can in any way promote that object. If you will be so good as to do it, I shall write by them to Mr. Hawke, at Toronto, to the same effect.

I am very anxious, and so also are these poor emigrants themselves, that they should not be delayed at Quebec; I am sure you will take care to send them on their journey to Toronto as soon as possible after their arrival. Commending these poor people to your protection, and again thanking you for your attention to my application last spring,

I am, &c.
(signed) John Harrison,
Vicar of Sherborne, St. John,
near Basingstoke, Hants.

George

Appendix.

Letters from
Landed Proprietors in England,
with Answers
thereto.

George Mathews, now sent from Sherborne, St. John, and Charles Mathews, sent from Dean, are brothers.

A party of 23 emigrants sail at this time also with the "Severn," for Quebec, from a parish in this immediate neighbourhood (Church Ountley). The minister of this parish will forward a letter to you by them.

To A. C. Buchanan, Esq., Quebec.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, June 16th, 1836.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 2d April, handed me by the passengers per ship "Severn" from Bristol, who arrived here a few days since, and I am happy to say all in good health, though they had a long and tedious passage, and had to put in at some of the lower ports for provisions. They all complain of the quality of the provisions furnished for their use, which they state it was almost impossible to use, and that they were obliged to purchase other provisions from the ship, which exhausted the greater part of their small stock of cash. On their arrival here, very many had scarcely sufficient to pay their passage up to Montreal; and they will consequently, on their arrival there, become a burthen on the charitable societies. I furnished them all with letters of recommendation to the different Government agents on their route to Toronto, and also a letter to Mr. Hawke, the Government Agent at that city, with recommendations to the contractors on the different public works for employment.

I should recommend to your attention, in the case of any more emigrants being sent from your part of the country, the adoption of the plan at present pursued by the different parishes of Norfolk, Suffolk, Southampton, Kent and several others, who have sent out a very considerable number of emigrants this season; that, in place of paying the sum intended for the use of the emigrant on his arrival here to himself or to the captain of the vessel, it should be remitted to J. D. Pinnock, Government Agent General, at the Colonial Office, London, who would forward an order to this department for the distribution of the money among the different families, in accordance with a list furnished, showing the amount to be paid to each individual or family; and these poor people would be certain to receive full benefit of the difference of currency and exchange. Besides, it frequently happens that when the money is entrusted to the captain, they sometimes pay them in the currency of the country, which, at par, is 10 per cent. less than sterling, and at the present rate of exchange, is from 17 to 18 per cent. less than the emigrant would receive if his money was transmitted under the control of this department.

I merely offer these remarks, as I think they might tend to the ultimate benefit of the poor industrious emigrant, who emigrates to this fine country in hopes of providing for himself and family.

The emigration of this season has been very large, and, up to this period, more than the total number of last year, being now over 11,000 souls, who have all been able to get employment so soon as they arrive.

The accounts I have received from all parts of the country are very encouraging, labourers of all descriptions being in great demand, and with very high wages. Carpenters receive from 6s. to 7s. 6d. currency per day; masons from 4s. 6d. to 6s.; blacksmiths, 5s. 6d. to 10s.; common farm labourers, 3s. 9d. to 4s., with their board; tailors and shoemakers in very great demand, and immediate employment on their arrival here.

You will have the kindness to mention to the Rev. Mr. Harrison, that I received his letter, and the parties which he recommended have all proceeded to Upper Canada, and that they received every advice and assistance they required from this office.

I shall at all times feel much pleasure in forwarding your views in advancing the interest of the emigrant who may seek an asylum in these fine provinces.

I have, &c.

(signed) A. C. Buchanan, jun.,
Acting Chief Agent.

To the Rev. John Harrison,
Vicar of Sherborne, St. John, Basingstoke,
Hants, England.

Sir,

North Runcton, near Lynn, Norfolk, 13 April 1836.

I SEND you herewith the letter which you were good enough to send to me, printed with extracts of letters from Norfolk emigrants. I have taken the liberty of altering your letter slightly here and there. It has produced a considerable effect in this neighbourhood; and, indeed, the effect of the New Poor Law Bill, together with the favourable reports from Canada, has induced a very considerable emigration from Norfolk this spring.

I have not succeeded in persuading any labourers from this and the adjoining parishes to leave England; but several of my friends have been more successful, and amongst others the Rev. Robert Hankison, of Walpole, who has requested me to ask your kind attention

towards

towards the families leaving that place, and whom he has advised to locate on the lands of the Canada Land Company.

I shall be very happy to receive any further communication from you that you consider might forward the great and desirable object of emigration.

Letters from
Landed Proprietors
in England, with
Answers thereto.

I am, &c.

(signed) Daniel Gurney,
Justice of the Peace for Norfolk.

To A. C. Buchanan, Esq., &c. &c., Quebec.

Sir,

Henham Hill, Wangford, Suffolk, 18th April 1836.

THE first portion of emigrants to Toronto, from this part of Suffolk, sail by the "Allandale," Captain Allcock. It is the wish of the Board of Guardians here, that they should be forwarded as quickly as possible from Quebec, and not allowed to go on shore there, except in case of urgent necessity.

I am, &c.

(signed) Stradbroke.

The Government Agent for Emigration, at Quebec.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 12th June 1836.

My Lord,

I HAVE the honour to acknowledge the receipt of your favour of the 18th April, per "Allandale," Captain Allcock, who arrived safe a few days since, passengers all well. Agreeable to your wish, I arranged with the steam-boat to go alongside the vessel, and embark the passengers, with their baggage, and proceed immediately to Montreal, on their route to Upper Canada. I also furnished them with letters to the different agents, on their route to the Upper Province, as also recommendations for employment on the public works at present in operation; and if they will follow the advice and instructions which they have received, there is no doubt but that, in a few years, they will be above all want, and themselves and families in a fair way to realize a comfortable independence.

The demand for labourers and tradesmen of all descriptions in this province and Upper Canada is very great. Carpenters receive from 6s. to 8s. 6d. per day; masons, 6s. to 7s. 6d.; blacksmiths from 5s. to 10s.; common labourers, 2s. 6d. and their board, and 3s. 9d. to 4s., and find themselves. Several thousand able-bodied labourers are required at present on the works at the Long Saut Canal. Wages, with two years' employment, 18 dollars per month, equal to 4l. 10s. Halifax currency.

I would beg to suggest to your Lordship, that in the event of your sending out any more emigrants, the adoption of the plan at present used by the different parishes in the county of Norfolk, Southampton, Kent and several others, who have sent out a large number of emigrants this season, that in place of paying the money intended for the use of the emigrant, on his arrival here, to themselves, or to the captain of the vessel, it should be remitted to Mr. J. D. Pinnock, Government Agent General for Emigration, at London, who would send out an order to have the same paid to each emigrant respectively, which would insure the poor emigrant and his family sufficiency on his arrival here to enable him to proceed to his destination, or where he would be likely to obtain immediate employment.

I have observed, in many cases, that when they receive the money before sailing, they are very apt to dissipate it on their voyage out in gambling and purchasing ardent spirits from the captain; and I regret to say that very many of the families in the "Allandale" were almost destitute on their arrival here; and a few received assistance to enable them to proceed up the country, from the charitable societies in this city.

Besides, it frequently happens that masters of vessels, or other persons entrusted with such monies, have paid the emigrant in the currency of the country, which at par is ten per cent. less than sterling; and at the present rate of exchange, from 17 to 18 per cent. less than the emigrant should receive if his money was remitted under the control of this department.

The above remarks I respectfully submit to your Lordship.

I have, &c.

(signed) A. C. Buchanan, jun.
Acting Chief Agent.

The Earl of Stradbroke,
Henham Hall, Wangford, Suffolk, England.

Letters from
Landed Proprietors
in England, with
Answers thereto.

Sir,

5th April 1836.

THIS letter will be delivered to you by one of a party of emigrants from the parish of Long Parish, near Andover, in Hampshire. I shall feel myself indebted for any assistance you may be able to render them in proceeding up the country, and obtaining employment; and it would be a great satisfaction to myself, as having been instrumental in assisting them to emigrate, as well as the friends whom they leave behind, if you would be good enough to send an account of their different destinations. A sum of money has been transmitted to you, through Mr. Pinnock, to be paid to each on their arrival at Quebec. I can recommend them as steady industrious men, accustomed to every kind of agricultural labour.

I am, &c.,

(signed) *H. Barneley Greene*, Vicar of Long Parish.

A. C. Buchanan, Esq., &c. &c. &c., Quebec.

Sir,

Necton Hall, 13th April 1836.

I THIS year again do myself the honour of communicating with you upon the subject of emigration to His Majesty's possessions in Canada, by acquainting you that this letter is put in the hands of some emigrants who to-morrow leave Necton, for embarkation at the port of Lynn.

I beg to say that the parties are all *honest* and *industrious* sort of people, and really leave England for no other reason than there being here so great a deficiency of employ. Benjamin Bone and his family have sent me a letter, from which I learn that your kind offices have been the means of placing him in advantageous and happy circumstances.

I beg to recommend the within-named to you; and have the honour to be, &c. &c. &c.

(signed) *William Mason*,

J. P., a Deputy Lieutenant, county of Norfolk,
and Lieutenant-Colonel E. N. M.

A. C. Buchanan, Esq., &c. &c. &c., Quebec.

James Ligelened, wife and nine children; Robert Thusbon, wife and four children; James Redhead, wife and three children; John Nelson, wife and four children; Richard Brett and wife; Charles Preneson, single man; James Gren, ditto; Christopher Hill, lad; Mary Lent, single woman—TOTAL, 34 souls:

Sir,

Pickenham Hall, Brandon, Norfolk, 28th April 1836.

THIS letter will be given you by one of 25 emigrants, including children, whom I am sending from my parishes, and I shall be much obliged by your giving them any advice and instructions where to get the best work. They are generally of fair character, and all industrious, farming business (except Richardson, a blacksmith,) having been always employed. Took had a little land of his own, and understands gardening, &c., and is a very good and hard-working man, and can be particularly recommended. Took Starling pays his own passage; and the rest will, I doubt not, work well in good employment, and at good wages. I have paid 23*l.* 15*s.* to Mr. Pinnock, which he has instructions to get paid through you to the emigrants on their landing, and I shall be obliged by your letting them have the money in proper time. I have described them as all belonging to the parish of South Pickenham in my letter and the form sent to Mr. Pinnock, but one (Took Starling) though born here, has acquired a settlement at Hardingham, where he belongs, and William Ship belongs to Great Cressingham, an adjoining parish to this. I mention this to prevent any mistake, and to clearly identify the parties. I have transmitted

For Summons and his family	-	-	-	-	-	-	-	£.6	-	-
„ Oatley and his family	-	-	-	-	-	-	-	4	-	-
„ A. Richardson	-	-	-	-	-	-	-	2	-	-
„ T. Williamson	-	-	-	-	-	-	-	2	-	-
„ W. Parker	-	-	-	-	-	-	-	2	-	-
„ Mary Parker	-	-	-	-	-	-	-	1	-	-
„ John Starling	-	-	-	-	-	-	-	2	-	-
„ Took Starling	-	-	-	-	-	-	-	1	5	-
„ James Mathews	-	-	-	-	-	-	-	2	-	-
„ William Ship	-	-	-	-	-	-	-	1	10	-
									£.23	15 -

As these labourers are from a rather light land, and may be frightened, as Norfolk labourers sometimes are, by a very heavy land, a region of not the heaviest land might be desirable for them. Upper Canada I should think preferable for them; but if they choose Lower Canada, I have given them a letter to the British American Company's agent, if they like to go there, and you think it desirable for them so to engage themselves. It would be a satisfaction to me, and a comfort to their relations here, if you would trouble yourself to write a line to tell me in what state they may have reached Quebec, and where they may have gone.

I am, &c.

(signed)

W. Wigget Chute.

Sir,

Beachamwell, Norfolk, 10th May 1836.

Letters from
Landed Proprietors
in England, with
Answers thereto.

I HAD the satisfaction of learning from your letter to my friend, Mr. Daniel Gurney, the report which he had received from you of the success of the emigrants from this parish, whom I had ventured to recommend to you last year, and who sailed from Lynn by the brig "Shannon." The accounts received here by the relations of the parties themselves have excited such a desire to remove to Canada among the labouring people, that I have resolved to assist four families and two young men with means of emigrating, and have selected persons who, as able and dexterous labourers in husbandry, are well qualified to expect success in that line, and one youth, brought up a tailor, with probably talents enough to be useful in those parts. I have not invited my tenants to undertake any of the expenses attending this expedition, so that this not being exactly a parish measure, I again, by the advice of Mr. Pinnock, of the Colonial department, address all these people to you, soliciting your kindest interest in their behalf and aid to forward the whole of them to Port Hope, on Lake Ontario. I enclose you one of the office forms, filled up with the names of the party, amounting (including an infant) to 23 individuals, with the signatures of such of the men as were able to write.

On account of this undertaking I send you enclosed a remittance of 80*l.* sterling, to be paid to you by the Quebec Branch of the Montreal Bank, together with the addition of the current exchange; which sum of 80*l.* sterling I paid into the hands of Messrs. Thomas, Wilson & Co., of Warrford-court, London.

The Schedule annexed to this letter points out in detail the apportionment of the above sum to the purposes of expediting the emigrants by the conveyances to Lake Ontario, and the sums to be paid to them in coin by the King's Receiver of Upper Canada to each family or individual, with the sums appointed to be received by the people, and which cannot be invaded or touched on their journey in any way. I hope these people will find themselves set down in Upper Canada under very advantageous circumstances. They will all have a little money in their pockets; I do not know what they may have of their own, by sale of their furniture, &c., but I have given to the captain 12 half-sovereigns in gold to be distributed among them, according to instructions, as soon as they shall be quite clear of the Channel; and they will also, I believe, get some present of money from the farmers they have worked for, as well as hops, &c., from me.

I should hope that the Spicer family, who are steady people, with four able persons among them, may, with the sum of money appointed for them to receive, and under your directions, be able to settle very advantageously.

I shall be glad to learn the safe arrival of the "Penelope," with those emigrants in good health, and be very gratified for the services and kindness which you will bestow upon them.

I remain, &c.

(signed) *John Motteaux.*

To A. C. Buchanan, Esq., &c., Quebec.

Beachamwell and Strangham emigrants by the "Penelope," from Lynn :

Above	14 years	- - Spicer's	- -	5
"	- -	Reeves	- -	2
"	- -	John Furbys	- -	2
"	- -	Henry Furbys	- -	2
"	- -	Cornwall	- -	1
"	- -	Moorcroft	- -	1
				13
				- - £. 1 11 6
Under	14 years	- - Spicer's	- -	4
"	- -	Infant	- -	-
"	- -	Reeves	- -	3
"	- -	John Furbys	- -	1
"	- -	Henry Furbys	- -	1
				9
				- - 1 less -
				7 4 -
				27 13 6
To be paid in coin on the parties landing at Port Hope by the hands of His Majesty's Receiver, Upper Canada.				
To William Spicer, self and family	-	-	£. 20	
" William Reeves, for ditto	-	-	- 10	
" John Furbys, for ditto	-	-	- 6	
" Henry Furbys, for ditto	-	-	- 6	
" C. Cornwall	-	-	- 2	
" William Moorcroft	-	-	- 2	
				46 -- --
To meet any contingencies, and the residue, if any, to be divided				- 6 6 6
				£. 80 -- --

Letters from
Landed Proprietors
in England, with
Answers thereto.

If any death occurs previous to the distribution, the portion to go to the remainder of the family.

(signed) *John Motteux.*

Beachamwell, 10th May 1836.

The above sums are to be paid, together with all benefit arising from the course of exchange.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 4th July 1836.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of 10th May, with a party of emigrants from your parish, who I am happy to inform you arrived safe and in good health, and have all proceeded on their route to Port Hope.

Your draft for 80*l.* sterling, I obtained eight per cent. premium, equal to 96*l.* currency, which was distributed according to your wishes; the balance I remitted to the Government Agent in Toronto, with directions to pay it over to the people on their arrival at Port Hope, in accordance with a list I inclosed him. The allowance of 6*l.* 6*s.* 6*d.* which you allowed to meet contingencies I divided among these people, with the exception of 1*l.*, which I placed at Mr. Hawke's disposal, to meet any unavoidable expenses, with directions, should any remain, to pay it over; there was no expense incurred here whatever.

As I am anxious these poor people should have all the advantage of your kindness and munificence towards them and their families, I have directed Mr. Hawke to communicate to me their arrival at their destination and their place of settlement, a copy of which I shall send you for your information.

The demand for labourers and mechanics of every description is very great in all parts of the provinces, and I feel satisfied of being able to obtain immediate employment for any number of labourers on the public works in Upper Canada, and in the Eastern Townships.

The British American Land Company have done a very great deal to advance the interests of emigrants who settle on their lands in the Eastern Townships, which is a beautiful country, and the land equal to any in Upper Canada, and they have the advantage of commanding the two best markets in the province, of, viz., Montreal and Quebec, where they can obtain at least one-third more for their produce than in Upper Canada, and a certain market.

The prices given to labourers at present are, to good mechanics 5*s.* to 7*s.* 6*d.* per day; labourers, 2*s.* 6*d.* per day and found; farmers pay from 12 to 15 dollars per month, besides board, to agricultural labourers.

Families with small means can get land from the Company at 4*s.* or 6*s.* per acre, with a clearance of five acres and a log-house, the whole payable by annual instalments in six years without interest. They are also allowed seed potatoes for the first year. This must be particularly gratifying to an industrious man with a large family on his arrival in this country, and opens a prospect of speedy independence for himself and family. I shall at all times be most happy to forward your views in promoting emigration, and in advancing the interests and welfare of the industrious emigrants on their arrival in this country.

I have, &c.

(signed) *A. C. Buchanan, jun.,*
Acting Chief Agent.

J. Motteux, Esq. Beachamwell, Norfolk.

Wonston Rectory, Whitechurch, Hants,
2d June 1836.

Sir,

I HAVE felt much interest in promoting amongst my parishioners a desire to emigrate to Canada, and in obtaining the information necessary to enable me to do this, I have had occasion to remark the kindness and attention which you have shown towards the emigrants from other ports, in the discharge of your duties at Quebec. I feel, therefore, that you will allow me to recommend to your protection the small body of emigrants from this and the neighbouring parishes, who go out with the ship "Hartley." There have been many difficulties to encounter in explaining the subject of emigration to the people of these parishes, and it is but comparatively few who have ventured to go forth; much will depend upon the report which the letters of these people convey to the friends at home.

I have ventured to promise that you would give them such information and advice as will enable them to get readily into eligible situations for work; and from the accounts which I have read, I have told them that I thought they had better go up as far as York. This advice, however, is entirely to be submitted to your opinion. From the Parliamentary Papers, and other sources, I have collected such information as I thought important, and printed a plain account of it, a copy of which I inclose you. I also inclose you a list of the names of the persons emigrating from my own and the contiguous parishes, and I have placed opposite the names of each the sum of money which is to be paid to him upon his arrival in Canada. The whole amount is 68*l.* 5*s.*, which sum I have delivered in gold sovereigns, into the hands

of

of the master of the "Hartley," whose acknowledgment is subjoined to the list of the emigrants. I have sent by him a duplicate of this letter. I have informed these emigrants that upon their deciding to what part of the country they will proceed, you will employ some part of this money in arranging their conveyance to the place of their destination, and that the remainder will be paid over to them. I made this arrangement according to the directions of Mr. Pinnock, the Government Agent in London. I shall take it as a great favour if you will take the trouble to inform me of the safe arrival of this party of emigrants, and of the settlement which they are likely to make; and

I have the honour to be, &c. &c. &c.

(signed) *Alexander R. C. Dallars,*
Rector of Wonston.

A. C. Buchanan, Esq., &c. &c., Quebec.

Letters from
Landed Proprietors
in England, with
Answers thereto.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 15th August 1836.

Sir,

I HAVE the honour to inform you of the safe arrival of the ship "Hartley," from Portsmouth; passengers all well. Among them are 17 heads of families, who have been assisted to emigrate from the parishes of Wonston, Mitcheldriver, Stoke, Charity, Hunton and Woodmancot; and I received a list of their names and occupations from the captain, which stated that the sum of 68*l.* 5*s.* was to be paid them on their arrival here, under the superintendence of this department; which sum, I regret to say, has not been received, and has caused these poor people serious inconvenience. I have, however, advanced them 25*l.* currency, to enable them to proceed to the Eastern Townships, where they will obtain immediate employment and high wages. I have, therefore, to request that you will be pleased to have the funds intended for these people remitted to me immediately, that I may distribute the balance due to them as soon as possible. They have all gone to settle on the lands belonging to the British American Land Company. I furnished them with every direction and information necessary to guide them in their new mode of life, which, if they follow, there is no doubt but they will do well. Waiting your early reply,

I am, &c.

(signed) *A. C. Buchanan, jun.*

Rev. A. R. C. Dallas,
Rector of Wonston, County of Southampton, England.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 20th October 1836.

Sir,

I HAD the pleasure of addressing you on the 15th August last, informing you of the safe arrival of the ship "Hartley," from Portsmouth; passengers all well.

I have now to acknowledge the receipt of your favours of the 23d and 30th June, which I only received on the 10th September; the latter containing a draft on Messrs. William Price & Co. of this city, for the sum of 68*l.* 5*s.* sterling, which was duly honoured, and the proceeds paid over to the different parties, in accordance with your wishes. These people, as I mentioned in my former letter, have all settled in the Eastern Townships on the lands of the British American Land Company; and I have been delayed writing you sooner, waiting advice from Mr. Webster, to whose care I recommended the party. His letter, which gives such favourable accounts of them, I send you a copy, which I have no doubt but it will prove satisfactory to yourself and their friends, and may probably be some inducement for others to emigrate next year.

I am happy to state, that these provinces were never in a better condition to receive a large emigration than at the present time. The demand has been so great for all denominations of the working classes, particularly farm and common labourers, and domestic servants of both sexes, carpenters, masons, blacksmiths, tailors, &c., that it has very much retarded the advancement of public and private improvements in both provinces.

The rate of wages has progressively advanced as settlement increases; and I do not anticipate for years the smallest chance of the Canadas becoming overstocked with agricultural labourers, domestic servants and tradesmen of various denominations.

From these facts, it will be readily admitted that the prospects of all industrious and sober persons of the working classes in the Canadas is exceedingly favourable, and that any failure in reaching a state of comparative prosperity will be entirely at their own door.

The emigration of this year will be little short of 30,000 souls, and the proportion from England very much increased over former years. I anticipate not the slightest difficulty in being able to procure settlement and immediate employment for double that number next year, as the vast improvements in contemplation in this, and more particularly Upper Canada, in making railroads and canals, will require of themselves a very large number of labourers, besides the increasing demand for agriculturists and mechanics.

I wish much to impress on those who take an interest in assisting the poor labouring population of the United Kingdom to emigrate to these colonies, the advantage which they have in arriving here early in the season (say in all the month of May) over those who come out at a later period, as you will observe from some of the remarks in the annexed letter from Mr. Webster (*see* page 25 of the Appendix).

Letters from
Landed Proprietors
in England, with
Answers thereto.

I shall be happy to hear from you, on the prospects of emigration from your part of the country for next year. The Chief Agent is at present in England for the benefit of his health; and if you wish to put yourself in communication with him, address him under cover to the Colonial Department.

I have, &c.

To the Rev. A. R. C. Dallas,
Wonston Rectory.

(signed) A. C. Buchanan, jun.,
Acting Chief Agent.

Letter from
J. D. Pinnock, Esq.

Sir,

Colonial Office, 5th April 1836.

WITH reference to my letter to you of the 26th ult., I have now the honour to acquaint you, that the ship "King William" has been engaged by me for the conveyance of between 200 and 300 emigrants from the parish of Downton, in Wiltshire. The vessel is to proceed to Southampton Roads for their reception; but, with a view of preventing any from seceding after their embarkation, it has been stipulated that the vessel shall sail immediately they are on board. It will be impossible to specify the precise number who may emigrate in the "King William," until they are actually on board; and as the ship sails immediately the embarkation has taken place, it will be equally impossible for me to send you, as in other instances, a bill upon the Quebec Branch of the Montreal Bank for the total amount to be divided amongst them on disembarkation. Under these circumstances, the agents of the ship (Messrs. Carter & Bonus, 11, Leadenhall-street, London) have undertaken to superintend the embarkation, and to inclose to you in this letter an order on their correspondents at Quebec, to pay to you, at sight, a sum sufficient to give 1*l.* 15*s.* to each emigrant on board above 14 years of age, and 17*s.* 6*d.* to all under that age and above one year. They will also inclose the lists and signatures, &c. of the parties to whom such sums are to be given; and I shall feel obliged by your aiding the party in question to locate themselves in that part of the Upper or Lower Province where they may succeed in obtaining suitable employment.

With a view also to the proper fulfilment of this duty on the part of the master of the ship, a portion of his freight will be withheld, until he produces a certificate from you, stating your satisfaction with the treatment of the emigrants. I have, therefore, to request that you will furnish him with such a document, should you consider him deserving of it.

I remain, &c.

A. C. Buchanan, Esq., &c. &c., Quebec.

(signed) J. D. Pinnock.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 26th May 1836.

Sir,

Mr. Buchanan's
Answer.

I HAVE the honour to acknowledge the receipt of your letter of the 26th March to hand a few days since, as also yours, of the 28th, per "Procris," Captain Arnold, who, I am happy to inform you, has arrived safe, and passengers all well; they all speak highly of Captain A.'s attention and kindness to them on their voyage. The draft for 28*l.* sterling I disposed to Messrs. F. Walker & Co., seven per cent., and, agreeable to your instructions, paid one-half to the respective amounts due each individual here; and as they all decide on settling in the Eastern Townships, I remitted the balance of their money to Mr. Webster, the sub-commissioner of the British American Land Company, with directions as to its distribution; I also furnished them with letters to the different agents on their route, and recommendations for employment, and they were all in good spirits on their future prospects.

The demand for agricultural labourers and tradesmen in all parts of the country is very great, and I think the country was never in a better condition for the reception of a large body of industrious emigrants than at the present moment, and those who are anxious and willing to work need not be a day unemployed after their arrival here. The British American Land Company are in want of several hundred labourers and carpenters, as they are making considerable improvements in their lands, and opening new roads, so that the industrious emigrant can obtain immediate employment on his arrival here. Domestic servants, both male and female, are very much wanted in this city and Montreal, with very high wages; I have also had several communications from By-town and different parts of Upper Canada, complaining of the want of farm servants.

The other vessels you alluded to shall meet with every attention and despatch on their arrival here; and it will afford me much pleasure in attending to any instructions you may be pleased to send with them.

I have the honour to be,

(signed) A. C. Buchanan, jun.,
Acting Chief Agent.

J. D. Pinnock, Esq.,
Government Agent for Emigration, London.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 4th June 1836.

Letter from
Mr. Buchanan.

Sir,

I HAVE now to acknowledge the receipt of your favour of the 5th April, per ship "King William," Captain George Thomas, and the brig "James and Anne," Captain Brown; the passengers all well. I am also in receipt of a letter from Messrs. Carter & Bonus, inclosing a draft on Messrs. William Rice & Co., for 370 *l.* 2 *s.* 6 *d.*, which has been duly honoured at 7 per cent. exchange, equal to 440 *l.* currency, which I have paid to the different parties in accordance with your instructions. The order received per "James and Anne," on the Montreal Bank, was for 95 *l.*, and not, as stated in your letter, 95 *l.* 10 *s.*, and for which I obtained eight per cent. exchange, equal to 114 *l.* currency. The emigrants by these vessels have all proceeded to the Upper Province, with the exception of about 50, who are gone to the Eastern Townships, where they are certain of obtaining immediate employment and good wages, say 2 *s.* 6 *d.* per diem and board, or 3 *s.* 9 *d.* per day, and they find themselves.

I have arranged with the steam-boat agents, that they send their boats alongside the vessels, as my wish is to prevent the passengers being detained in town, where they are liable to meet with inducements to spend their money, and put to the expense of lodgings.

In the case of the passengers per "King William," I advanced each head of a family here sufficient to purchase them some fresh provisions, and paid them the balance on their reaching Montreal, after securing them their passage to Upper Canada.

I am now in hopes of making such arrangements as will enable me to secure their passage at this place immediately on their arrival to any part of Upper Canada; and by advancing each individual sufficient to purchase them some fresh provisions here, he would receive the remainder on his arrival at his destination in Upper Canada.

I furnished Captain Thomas with the necessary certificate, as there were no complaints made against him by the passengers.

The total number of emigrants arrived this year at this port are:—From England, 4,045; Ireland, 3,629; Scotland, 285; Total, 7,596. Corresponding period last year, 3,349; and there are near 600 at Grosse Isle and in port, but not yet reported; this shows a considerable increase in emigration over last year, and they all appear well provided with means to enable them to proceed to Upper Canada.

I have had very few complaints against ship-captains this year; and the only one which I have heard of an aggravated nature is against Captain Sutherland, of the brig "Bellisle," from Dublin, with 112 emigrants. The passengers complain of an insufficiency of water, and what was supplied, it was almost impossible to use; two of their number died on the passage, owing to the water, and the doctor has furnished a certificate to this effect.

These charges are undergoing investigation, and so soon as it is closed, I shall forward copies of the same: if we can substantiate them the captain should be severely punished.

I have just received your favour of the 6th April, per "Lavinia," from Portsmouth; the passengers will not land before to-morrow, when they shall meet with every attention from this office, and be sent forward with as little delay as possible. The "Caroline," from London, and the "Anne," from Lynn, are also reported.

I have the honour to be, &c. &c.

(signed) A. C. Buchanan, jun.,
Acting Chief Agent.

J. D. Pinnock, Esq.,
Government Agent for Emigration, London.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 25th July 1836.

Sir,

I HAVE the honour to inclose Returns of all emigrants arrived up to the period, whose expenses have been paid by their respective parishes, in accordance with your instructions, and under the superintendence of this department. Letter from Mr. Buchanan.

I send you a separate Return for each parish, which you will please forward for the satisfaction of the different parties who have interested themselves in these people. The following is a list of the inclosed Returns:—

"Procris"	- - - -	Arnold	-	Poole	- - -	Parish of Braemore.
"King William"	- -	Thomas	-	Portsmouth	-	Standlynch.
"	"	"	"	"	"	Dornton.
"	"	"	"	"	"	White Parish.
"James and Anne"	-	Brown	-	"	"	Hartsbourn Priors.
"	"	"	"	"	"	St. Mary Bourne.
"	"	"	"	"	"	Long Parish.
"Lavinia"	- - - -	Martin	-	"	"	Whitshirebourne.
"Anne"	- - - -	Long	-	Lynn	- - -	Parish of Burnham Thorpe.
"Caroline"	- - - -	Grieg	-	London	- - -	Saltwood.
"Carrion"	- - - -	Elliot	-	Yarmouth	- -	South Pickenham.
"Eurus"	- - - -	Knox	-	London	- -	Hoekering.

Containing in all 549 souls, who have arrived in good health, and principally gone to Upper Canada, and a few to the Eastern Townships.

Letter from
Mr. Buchanan.

There have arrived eleven other vessels with emigrants, who have been assisted by their parishes to emigrate, amounting to 2,721 souls. These people, with the exception of a few, received their money on leaving England, and the consequence is, that very many, on their arrival here, were almost destitute, having spent their money in purchasing provisions and spirituous liquors from the captains during the voyage. This occurred particularly in the "Allandale," from Yarmouth, with 177 passengers, sent out by the Earl of Stradbroke. Some of them on their arrival here were almost destitute, and had scarcely sufficient means left to pay their expenses to Montreal. In my letter to his Lordship I took the liberty to mention, in the event of his assisting any more families to emigrate, the adoption of your printed instructions. There have been very many complaints made to this department by the passengers who have arrived from Liverpool, for imposition and detention, which is practised on them in that port.

In the case of the "Eliza," Captain Fox, which vessel was chartered by Messrs. Shaw & Co. to bring out emigrants, they were detained several days after the time fixed for sailing, and an overcharge for emigrant tax was made on the children under age, having charged 5*s.* currency per head; whereas the law allows two children under fourteen years, and three under seven years, for a full passenger.

I inclose you a list of the names of 17 families, who were overcharged to the amount of 5*l.* 11*s.* sterling, and I hope you will be able to recover the same for these poor people. I did endeavour to make the captain responsible; but, on submitting the case to the Attorney-General, I found I could not do so legally, and have therefore to request your interference in this matter.

Messrs. Shaw & Co. have sent out a considerable number of emigrants this season, and there have been complaints made against them by them all for imposition and detention. A considerable number of them mentioned that they applied to the Government Agent in Liverpool, but could not get any redress. Several other cases of a similar nature have occurred in vessels with emigrants from Ireland and Scotland; and the passengers by the "Glasgow," from Greenock, were charged 10 *s.* a head for tax.

It would be advisable if the Government Agents at the different ports were furnished with a copy of the provincial Statute, as far as relates to Emigration.

This tax was renewed last Session of the Provincial Legislature until the year 1838. It imposes a tax of 5*s.* currency on every passenger arriving from the United Kingdom over 14 years, and allows two children under 14, and three under seven years, for a full passenger.

A Report made a few days ago from the inspecting physician at Grosse Isle to the Governor in Chief, of a case of gross neglect on board the ship "Celia," which was chartered by Messrs. Shaw & Co., and the "Kingston," both from Liverpool, the former with 427, and the latter 347 passengers. The water casks of each were of so bad a quality, having pine heads, and otherwise insufficient, that a great portion of the water leaked out, and the passengers suffered the greatest inconvenience. In the first-named vessel, but five days' water remained on board on their arrival at Grosse Isle; and a few days after sailing, the whole of their berths, with the exception of four, fell down in a slight gale, and severely injured many of the passengers. In the "Kingston," though but thirty-nine days on her passage, the passengers were on short allowance of water for six days. I wish to make you acquainted with these facts, in hopes that such measures may be adopted as will prevent their occurring in future. I would beg to suggest, that, in sending out passengers in future, it would be well to prohibit the captain selling to them spirituous liquors, unless it was ordered by the medical attendant on board; as in very many instances those people who received their money through my hands were in debt to the captain to the amount of 12 *s.* and 15 *s.*, which reduced their small allowance very much.

The emigrants have been very considerable this season: the number arrived up to the present date is 22,228 souls; and all those in want of employment have obtained orders for it immediately on their arrival here.

There are several thousand labourers at present wanted on the public works in Upper Canada. All descriptions of mechanics will meet with immediate employment and high wages on their arrival in the Eastern Townships and Upper Canada.

I have the honour to be, &c.,

(signed) A. C. Buchanan, jun.,
Acting Chief Agent.

J. D. Pinnock, Esq.,
Government Agent General, London.

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LIST of PASSENGERS, per the "ELIZA," Captain Fox, from *Liverpool*, who were over-charged in the Emigrant Tax for their Children under 14 and 7 Years; say 4s. 6d. sterling, or 5s. currency, for each, which is the Tax for an Adult. Two Children under 14, and three under 7 Years, is allowed for a full Passenger.

Enclosure in Mr. Buchanan's Letter.

PARENTS' NAMES.	Under 14.	Under 7.	Amount charged.	The legal Charge.	The Sum overcharged.
			£. s. d.	£. s. d.	£. s. d.
Lawrence Kilroy - - -	1	-	- 4 6	- 2 3	- 2 3
Ditto - - -	-	3	- 13 6	- 4 6	- 9 -
George Dorman - - -	3	-	- 13 6	- 6 9	- 6 9
Ditto - - -	-	4	- 18 -	- 6 -	- 12 -
James Bourke - - -	-	1	- 4 6	- 1 6	- 3 -
James M'Elvin - - -	-	1	- 4 6	- 1 6	- 3 -
Edmund Murphy - - -	-	1	- 4 6	- 1 6	- 3 -
David Caren - - -	-	2	- 9 -	- 3 -	- 6 -
Martin Kilroy - - -	-	3	- 13 6	- 4 6	- 9 -
John Kilroy, sen. - - -	-	1	- 4 6	- 1 6	- 3 -
Michael Darby - - -	-	1	- 4 6	- 1 6	- 3 -
Honor Noonan - - -	-	2	- 9 -	- 3 -	- 6 -
Charles Buckley - - -	-	1	- 4 6	- 1 6	- 3 -
George Alcock - - -	-	2	- 9 -	- 3 -	- 6 -
Dan. Hornabrook - - -	-	2	- 9 -	- 3 -	- 6 -
Denis Conniff - - -	-	1	- 4 6	- 1 6	- 3 -
Lant. Rehoe - - -	-	3	- 13 6	- 4 6	- 9 -
Robert Morrissey - - -	-	2	- 9 -	- 3 -	- 6 -
John Kilroy, jun. - - -	-	4	- 18 -	- 6 -	- 12 -
	4	34	8 11 -	3 - -	5 11 -

Office of His Majesty's Chief Agent for the Superintendence of Emigration in Upper and Lower Canada, Quebec, 20th May 1836.

Sir,

I BEG to inclose you the within statement relating to a few families sent out by the parish of Breamore, in Hants, county of Southampton, and as they have decided on settling in the Eastern Townships, I have taken the liberty of troubling you and requesting your interest in their favour.

Letter to Mr. Webster.

I have received a very particular instruction with these families from J. D. Pinnock, Esq., Government Agent-General for Emigration, as also a sum of money to be distributed amongst them on their arrival here, and a further sum on their reaching their destination.

I beg to inclose you a draft on the Bank of Montreal for 14*l.* 8*s.* which you will please cause to be distributed in accordance with the inclosed statement; and you will have the goodness to cause duplicate receipts to be taken and forwarded me, that I may transmit them to the Government Agent-General.

Mr. Pinnock advises me that there will be four or five more vessels out this spring, with a similar description of emigrants; and I should be most happy to receive from you any suggestions which you might offer tending to advance the interests of the emigrants in general, and the probable prospect of employment which may be expected in your part of the country during the summer.

I have the honour to be, &c. &c. &c.

(signed) A. C. Buchanan, jun.,
Acting Chief Agent.

A. C. Webster, Esq. Sub-Commissioner
B. A. Land Company, Sherbrooke.

Office of the British American Land Company, Sherbrooke, 27th May 1836.

Sir,

I BEG to acknowledge the due receipt of your letter of the 20th instant, inclosing a list of persons forwarded *via* Port St. Francis to this place, and a bill of exchange on Montreal for the sum of 14*l.* 8*s.* to be distributed, under instructions annexed.

Mr. Webster's Answer.

The emigrants themselves have not yet arrived, having been detained by a series of bad weather since their departure from Port St. Francis; I now, however, expect them hourly; and should they prove of respectability, with the inclination to be industrious, I have every confidence that a short period only will be required to place them in an independent situation. The funds remitted for their use shall be applied strictly in accordance with your directions, and I shall forward to you the vouchers in the form required.

Mr. Webster's
Answer.

Mr. Yarwood, the company's agent for Montreal and Quebec, will shortly lay before you some information respecting the Eastern Townships of this province, and particularly the prospects of the labouring classes of emigrants to the country, as will place you in a situation fairly to judge of the comparative merits of the Upper and Lower Provinces as places of settlement.

In the mean time, and lest this information should fail to reach you so early as is now anticipated, I beg to say that throughout this part of the Lower Province, there now exists an extensive and steady demand for mechanics of almost all descriptions, as well as for agricultural labourers. The former receive wages varying from 5 s. to 10 s. per day. The latter 2 s. 6 d., and board is obtained inclusive of these rates. The company's undertakings employ at the present time a large number of hands of both classes, and such arrangements have been made as will secure full employment to any additional number which may be introduced into the country. In the common rates of wages afforded by the farmers and other residents in this part of the country to emigrants, will be found a sufficient encouragement to industry on the part of the latter; and even the means for their acquiring comparative wealth. Farm servants, with a knowledge of the modes of practice of the country, readily obtain from 12 to 15 dollars per month and their board and lodging, equal to from 36 l. to 45 l. per annum. Newly arrived immigrants naturally receive less, but the reduction is not more than from 2 dollars to 3 dollars per month, leaving from 10 dollars to 12 dollars as the wages per month for such persons as may now be expected to arrive. These rates it is the object of the company to maintain, as being neither so low as to induce the emigrant to proceed to Upper Canada or elsewhere, nor so high as to discourage an extension of agricultural and other improvements by the persons of capital disposed to attempt it. The company may be considered to guarantee to labourers 2 s. 6 d. Halifax currency per diem, and board or its equivalent, and further this rate will be paid in money weekly.

The expenses incurred in reaching Sherbrooke from the port of debarkation are trifling when compared with those which fall upon the immigrant in the course of a long journey to the Upper Province. From Port St. Francis, Sherbrooke is distant 90 miles only, and transport may be procured at the rate of 3 s. 9 d. per cwt. for this distance. Lands are to be procured by such persons as are desirous of forming settlements on the line of road from Port St. Francis to this place, or in its neighbourhood, and in this part of the province, on many extensive tracts, both wild and partly improved, in which purchases may be made at from 4 s. to 10 s. per acre, six years' credit being given for the payment of the instalments.

The company does not appropriate funds to the forwarding of settlers; nor do they receive direct assistance until inrolled in the company's labour lists. But not only are the company's agents instructed by every means to facilitate the transport of immigrants and their property into the country, but arrangements have been made here as well as at the new settlements at the Salmon River to secure the accommodation and comfort of all who appear calculated to benefit the country by their establishment within it.

I am, &c. &c.

(signed) A. C. Webster,
Sub-Commissioner.

A. C. Buchanan, Esq., &c. &c. &c.

Office of the British American Land Company,
Sherbrooke, 27th August 1836.

Dear Sir,

Letter to
Mr. Buchanan.

I HAVE to acknowledge your letter of the 15th instant, received during my absence from this place.

The party of immigrants to whom it had reference duly reached their destination, and received every assistance which it was in the power of the Company to provide.

They were all furnished with employment without delay; and I have no doubt that they will, in common with those who have preceded them on this route, find ample room for the exercise of their industry, with benefit to themselves as well as to the country.

The sum of money which you advise, as expected, to be forwarded for distribution among these people, shall be duly paid them, under your instructions, when received.

I am, &c.

A. C. Buchanan, Esq.
&c. &c. &c.

(signed) A. C. Webster.

Office of His Majesty's Chief Agent for the Superintendence of Emigration
in Upper and Lower Canada, Quebec, 2d September 1836.

Sir,

Mr. Buchanan's
Answer.

I HAVE much pleasure in acknowledging the receipt of your favour of the 27th ultimo, and am glad to hear such favourable accounts of the small party of immigrants per "Hartley."

I received, a few days since, from the Rev. Mr. Dallas, the money intended for them; and inclosed you have a list, showing the balance due to each family, amounting to 547. 15 s. currency, which you have inclosed in Bank of Montreal notes (say 219 dollars), and which I shall feel obliged by your having distributed at your earliest convenience, in accordance with the inclosed. There was one young man, Thomas Baverstock, who was detained at

Grosse

Grosse Isle sick, and did not go up with the rest; but I believe he has since gone. You will oblige me by making inquiry among his fellow passengers respecting him; and should he not have gone to your part of the country, you can return me his money (2*l.* 0*s.* 10*d.*) by any favourable opportunity you may find.

Among the arrivals to-day, is the brig "Indemnity," from Yarmouth, with 178 passengers, who are all going to your part of the country. The vessel proceeds, to-morrow, by steam-boat to Port St. Francis.

I remain, &c.

A. C. Webster, Esq.
&c. &c. &c.

(signed)

A. C. Buchanan, jun.,
Acting Chief Agent.

Mr. Buchanan's
Answer.

Dear Sir,

Office of the British American Land Company,
Sherbrooke, 12th October 1836.

I BEG now to inclose receipts in duplicate for the several payments required to be made under the terms of your letters of the 20th May and 2d September last, many of the parties having left this place for their settlements previously to the receipt of the remittance made by the latter opportunity. I have been prevented, until now, from furnishing you with these vouchers. With the exception of Charles Baverstock, who is supposed to have remained at the quarantine station, all the persons designated have received their proportions of the fund; and I trust the receipts will be found in the correct form, and corresponding to the payments.

Letter from
Mr. Webster.

The amount payable to Baverstock is now inclosed, as desired by you.

I was gratified in being enabled to state, that persons whom you forwarded to this part of the country generally, but particularly the members of the two parties for whose benefit the remittances were made, through the company's hands, have succeeded in the objects of their emigration from England. They have, without difficulty, found employment, whether as day labourers or as farm servants, on permanent engagements: in the former case, receiving not less than 4*s.* 2*d.* per day; in the latter, from 40*s.* to 60*s.* per month, with board and lodging. A large proportion, including all the families, have established themselves on the company's lands, and are now comfortably settled, with the means in their possession of supporting themselves throughout the winter, and of preparing a portion of their land (from three to six acres per family) for the reception of seed grain, pulse, roots, &c., at the proper season next year. I may mention, that the first party forwarded arrived sufficiently early to be assisted in clearing a small portion of land, and in planting it with potatoes; and these persons have now the advantage of a very tolerable crop of this valuable root, as a provision for the ensuing winter.

I am, &c.

A. C. Buchanan, Esq.
&c. &c. &c.

(signed)

A. C. Webster, Sub-Commissioner.

Dear Sir,

Office of the British American Land Company,
Sherbrooke, 13th November 1836.

I HAVE great pleasure in replying to your letter of the 7th instant, and should have been glad if the means within my reach had enabled me to furnish you with statements respecting the immigration to this part of the province, during the past season, more in detail than those now supplied.

Letter from
Mr. Webster.

The number of families of settlers established on the Company's lands amounts at this time to 400, including only those who have made purchases and are actually residing on their lots. The larger portion of them are within the settlement of Victoria, occupying the township of Bury and parts of Lingwick and Hampden; the remainder are established on scattered lands throughout the country. The returns from the former settlement cannot, at the present moment, be made up, and I am consequently unable to give the exact number of the population; but having correct statements of the number of persons forwarded from hence, I can judge of the number actually settled on the lands, exclusive, of course, of all settlers not immigrants of the past year. There remains in Sherbrooke and in the neighbourhood a much larger number of immigrants, whose views have been directed to the obtaining of employment alone, and who have not been disposed to make purchase of land. There are also many persons who have left this part of the country for the present, and who will only return to it on obtaining the means to purchase lands and establish themselves independently. Taking these classes together, and considering them as permanent residents, I estimate the proportion of the immigration of the past season not secured as an increase of population as very small.

With respect to the total number of persons who have entered the Eastern Townships, I cannot confidently speak, there having been no precise means of ascertaining it. The company's agents at William Henry and Port St. Francis have kept lists of immigrants landed at these places; but as the routes from Montreal, from Quebec, from New York, from Boston and from Portland, have all been employed for the ingress of settlers, it will be perceived that no correct account of their numbers could be made up. From the returns of the company's agents, and fair estimates of the numbers received through other channels, I am

Letter from
Mr. Webster.

led to compute the immigration to the Eastern Townships, in 1836, at 6,000. In this number are, however, included some Americans, and many persons from Upper Canada, from New Brunswick and from Cape Breton.

The majority of the immigrants have been of the labouring classes; but some mechanics have entered the country, and a number of persons of the superior classes and possessing moderate capital, have also added themselves to the population. The two first have readily found employment, the ordinary labourers receiving 2 s. 6 d., and the mechanics from 5 s. to 10 s. per day, exclusive of board; and the demand for mechanics of nearly every description continues. The public works carried on by the company having furnished employment for the labouring class throughout the summer, and being now necessarily stopped, there is not at the present time so general a demand for labourers as existed during the season of immigration. But so large a proportion of the immigrants having been provided with lands on which to employ themselves when work is less easily found, the remainder have not experienced any considerable difficulty in procuring situations affording the means of subsistence through the winter, nor is there any considerable reduction from the summer rate of wages now enforced upon them. I am led to believe therefore that no class of the last year's immigrants will meet with real difficulty in supporting themselves through this their first winter. And as works of equal, if not of greater extent, will be carried on next year, I am encouraged to look for the very general success of the entire new population. With respect to the company's settlers, the progress already made is a sufficient guarantee for their further advance; and being in some degree assisted by the company, they cannot fail to secure ample means of present subsistence, while they prepare for taking full advantage of the employment that will be continued to be furnished to them.

I remain, &c.

A. C. Buchanan, Esq., &c. &c. &c.

(signed) A. C. Webster,
Sub-Commissioner.

Emigrant Office, Toronto, 5th July 1836.

Sir,

Letter from
Mr. Hawke.

I HAVE the honour to acknowledge the receipt of your letter of the 21st May last, and weekly returns of emigrants arrived at Quebec from 11th May to 25th June, addressed to John Joseph, Esq.

I should have written you at an earlier date, but in consequence of the continued indisposition of the Commissioner of Crown Lands, I have been obliged to superintend the affairs of his office, as well as my own. I trust however that I shall find leisure to write you at length on the subjects you refer to in the course of a few days.

Your favour of the 20th June, inclosing a draft on the Montreal Bank for 62*l.* 6*s.* 10*d.* (say 62*l.* 6*s.* 10*d.* currency) to be distributed among a party of emigrants sent out by J. Motteaux, of Beachamwell Hall, county of Norfolk, Esq., is also before me; and I have this day endorsed the same and inclosed it to William Kingsmill, Esq., of Port Hope, with the request that he will pay the parties the sums opposite their respective names and transmit the receipts to you.

With reference to the 2*l.* 12*s.* 10*d.* to cover any unavoidable expenses, I have requested Mr. Kingsmill to distribute it among them in equal proportions, unless any expenses have been incurred, of which I am not aware.

I have, &c.

A. C. Buchanan, Esq., Quebec.

(signed) A. B. Hawke.

EMIGRATION (CANADA).

C O P Y

OF THE

ANNUAL REPORT

FROM

THE AGENT FOR EMIGRATION IN CANADA,

FOR 1836.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed

21 March 1837.

LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 16 March 1837 ;—for,

COPIES of Two REPORTS of a Select Committee of the House of Assembly of
Lower Canada, respecting Mr. *Gugy*, Sheriff of *Montreal*; and of any Corre-
spondence between the Earl of *Gosford* and Lord *Glenelg*, on the subject of
the Charges preferred against Mr. *Gugy*.

Colonial Office, Downing-street, }
26 May 1837.

G. GREY.

SCHEDULE.

- No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Government
House, Montreal, 11 August 1836. (Five Enclosures.) - - - - - p. 1
No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street,
16 November 1836. - - - - - p. 55

— No. 1. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Government House, Montreal, 11 Aug. 1836.

I HAVE the honour herewith to transmit, for the information of your Lordship,
an address presented to me by the House of Assembly, praying for the dismissal
of the Honourable Lewis Gugy from the office of sheriff for the district of Mont-
real; my answer thereto, and all the other documents and information in my pos-
session connected with this matter, which will enable your Lordship to acquire
full information of the circumstances of the case, and to arrive at a decision on it.

The documents are, the first Report of, and Evidence taken by, the Special
Committee appointed to inquire concerning fees and emoluments received by the
Sheriffs and other Officers connected with the Civil and Criminal Courts of Judi-
cature; the Report of, and Evidence taken by, the Special Committee appointed to
inquire into the circumstances which preceded and accompanied the death of one
John Collins, who died in the Common Gaol of the District of Montreal, and to
inquire into the state of the Gaol; and, lastly, the explanation and defence of
Mr. Sheriff Gugy, with the several papers and documents (thirteen in number),
which accompanied it.

The charges against Mr. Gugy spring from two sources, and are of an indepen-
dent nature.

Under the first series, he is accused of having fraudulently and corruptly con-
cealed from the Executive Government, by transmitting false returns for the Blue
Book, a great portion of the emoluments of his office of sheriff, amounting, in the
five years ending with 1834, to the sum of 5,264 *l.* currency; and that he wilfully
and maliciously gave false evidence, in his examination before a Special Committee
of the House appointed to inquire concerning fees and emoluments received by
sheriffs and other officers connected with the courts of law, with a view to conceal
from the House the disproportionate amount of the fees and emoluments which he
received as sheriff, and thereby to prevent the House, and his Majesty's Govern-
ment, from applying an effective remedy to the abuses alluded to by the Com-
mittee.

To the charge of fraudulent concealment, Mr. Gugy states, that his returns of
fees and salary were as nearly accurate as he could make them, from the imperfect
notes and memoranda of his accounts, which he kept privately, and he admits that
he is not capable of keeping regular books of accounts. He is, I believe, of an
advanced age, approaching seventy; and I am informed that that part of his duties
which relates to the keeping of the accounts of the office, has been discharged for
many years past by Mr. Francis Perry, for some time his deputy sheriff, and sub-
sequently his principal clerk. Mr. Gugy asserts, also, that if he has fallen into

Correspondence
respecting
Mr. Gugy.

Enclosure, No. 1.

Enclosure, No. 2.

Enclosure, No. 3.

Enclosure, No. 4.

Enclosure, No. 5.

Correspondence
respecting
Mr. Gagy.

error, in the returns alluded to by the Committee, he has done so unconsciously. He likewise denies that he had any intention to give false evidence before the Committee, and in his defence, to which I beg to refer your Lordship, explains the causes from which any discrepancy that may be found to exist between his evidence and that of his chief clerk might have arisen.

The second series of charges against Mr. Gagy is connected with the death of John Collins, a man of intemperate and dissolute habits, who was committed on the 27th November last to the common gaol of Montreal, under a magistrate's warrant charging him with being a vagrant and a public nuisance; this man, whose constitution, it appears, was completely worn out by the excessive use of ardent spirits and bodily disease, died in gaol on the 10th of December last. The verdict of the inquest held on his body, as recorded by the coroner, states that "he died through want of food, and by cold and misery; he had in his prison neither clothes, bed, nor any covering by which he could keep himself warm, nor had he even any straw on which he could lay down:" and the House of Assembly, in their address (Enclosure No. 1), which is founded on the Report of the Committee to whom these proceedings were referred, allege that the death of John Collins is to be attributed chiefly to the culpable negligence of the subordinate officers who had the care and keeping of the gaol; that the sheriff was bound to superintend such officers, is responsible for their conduct, and was guilty of violating his duty in not superintending them with sufficient care, and in neglecting to see that the gaol was kept in proper order, and the health of the prisoners duly attended to; that he had shown himself ignorant of the state, keeping and management of the gaol under his charge; that he had permitted the existence of various abuses, and of vicious regulations, without any attempt to remedy them, and in particular that he had authorized the continuance in office as turnkeys the two sons of the gaoler, notwithstanding their bad conduct and immoral character, with which he was acquainted.

For Mr. Gagy's vindication against these charges, I must refer your Lordship to his defence, and the accompanying documents in support of it.

It is proper to inform your Lordship, that the House of Assembly also addressed me for the removal of Edward Holland, the gaoler, and Dr. Arnoldi, the physician of the gaol, as being implicated in the death of Collins. Previously, however, to the presentation of this address, the gaoler (who it seems is the person legally liable in case of the death by other than natural causes of prisoners while under his charge) had been indicted by the Attorney-General for the murder of Collins before the Court of King's Bench at Montreal, but the bill was ignored by the grand jury; I may also add that the two sons of the gaoler, whose conduct and character the Assembly condemned, have been removed from their office of turnkeys by the proper authority, and that Edward Holland himself, subsequently to the throwing out of the bill of indictment, voluntarily resigned his situation as gaoler.

There remained, therefore, only the cases of Dr. Arnoldi and Mr. Gagy to be decided. Having heard what both had to say in their defence, I did not think the case of the former of sufficient importance to be transmitted to England, nor do I see reason to deprive him of his situation for his conduct in this matter; but as the case of Mr. Gagy is of a more complicated and delicate nature, and in which I conceived that the first and final decision had better proceed at once from His Majesty's Government, I informed him that I had reserved the questions arising out of it for the signification of His Majesty's pleasure, and with that view should forward all the proceedings to the Secretary of State for the Colonies. The reasons which induced me to transmit Mr. Justice Fletcher's case, operated to induce me to follow a similar course in the present instance.

In the public discussions to which the death of Collins gave rise, some attempts were made to connect the Executive Government with this event, and to attach to me some degree of culpability for not having more promptly made advances to the sheriff from the public chest, to enable him to supply the gaol with necessaries for the prisoners. It is true, that in the beginning of November the sheriff informed me that there would be an immediate necessity for furnishing the gaol with a certain quantity of wood and bedding, and applied for an advance of 200 l. currency to procure those articles. I did not then accede to the application, from a strong disinclination to touch any of the Crown revenues before the Assembly had expressed itself upon the conditional offer made to it for their surrender; and the disapprobation of your Lordship's predecessor, the Earl of Goderich, expressed in his despatch of the 9th of April 1832, No. 92, against issuing warrants on the receiver-general to defray the expense of purchasing lights
and

and fuel for the gaol and court houses, and food for the prisoners, heightened the objection I entertained of using for those purposes any part of the funds, to the disposal of which the assent of the other two branches of the Legislature was requisite. Moreover, I had understood that it was the practice (as stated in the Report of the Committee, Enclosure No. 4,) for the sheriff to advance from his private funds the sums required for the purchase of fuel and bread for the gaol, and that it was only when an expenditure for repairs or other purposes, exceeding 5 *l.*, was necessary, that Government, in the first instance, authorized its outlay, or advanced the sum required. In fairness, however, to the sheriff, it must be stated that, at that time, he had not been repaid by Government the disbursements he had made during the two preceding years for the contingencies of his office, and there being then due to him on that account more than 2,000 *l.*, he doubtless felt a very natural reluctance to continue his advances.

On the 25th of November, he addressed another letter to the civil secretary, stating, for my information, that the sufferings of the prisoners were becoming extreme since the setting in of the cold season; that an advance of money was absolutely necessary to procure a supply of blankets and bedding and other articles, mentioned in his first letter, to the amount of 200 *l.*; and repeated his application for such advance with an increased degree of earnestness. On the same day, I transmitted to the Assembly, with a message, copies of these letters, and of similar communications from the sheriffs of Quebec and Three Rivers in the hope that some provision would without loss of time be made to meet the pressing emergency of the case.

On the 8th December, Dr. Arnoldi, the physician of the Montreal gaol, addressed to me a strong appeal on behalf of the prisoners under his charge, whom he described as in a deplorable state of destitution from the want of proper food or clothing; many rheumatic patients, and even many females confined in the vaults below, were, as he states, under the necessity of lying, without covering or even straw, on the cold damp floors, and one patient he represented to be in such a weak state that he must inevitably sink unless proper diet and clothing were afforded him.

Much as I was averse to making any advance from the public chest in the peculiar and delicate position in which I stood with the Legislature, I conceived that I should not be justified in any longer declining to interfere in a case of such urgent necessity. Accordingly, on the 10th of December, the very day that I received Dr. Arnoldi's letter, and, as it happened, of Collins's death, I transmitted by post to the sheriff the sum of 50 *l.*, to enable him to purchase indispensable articles of food and covering for the temporary relief of the destitute prisoners; and, on the 16th, I advanced for the same purposes the sum of 150 *l.*, being the amount originally applied for by the sheriff. I am happy to inform your Lordship, that the House of Assembly have indirectly sanctioned the course that I adopted on this occasion; for their Special Committee, to whom was referred the whole subject, and all the correspondence connected with it, in their Report, (Enclosure No. 4, which was concurred in by the House,) state, that although there is no positive statute authorizing such advances, they cannot admit of any difficulty, and that similar disbursements made for an object of so urgent a nature, and for articles indispensably necessary for the maintenance and keeping of prisons, have invariably been sanctioned by the House; and the Committee proceeds to express its belief, that, as the House have always made good such advances, they will willingly recognise the necessity of making them.

I have, &c.
(signed) *Gosford.*

Enclosures in No. 1.

No. 1.

House of Assembly, Wednesday, 2 March 1836.

Resolved,—That Lewis Gagy, esquire, in his quality of sheriff of the district of Montreal, receives large sums of money in the shape of fees, and that being required by His Majesty's Executive Government in this province yearly to lay before it true and exact statements or returns of the amount of the fees and emoluments received by him in his said quality of sheriff, the said Lewis Gagy, instead of acting frankly and in good faith towards the said Executive Government, and affording it the information required of him has, on the contrary, purposely, deliberately and corruptly deceived the said Government, and practised towards it a system of fraud and deceit, calculated to degrade His Majesty's Government in this province, and to deprive it of the confidence and respect of His faithful subjects therein.

Correspondence
respecting
Mr. Gagy.

Resolved,—That in pursuance of this system of fraud and deceit, the said Lewis Gagy deliberately and corruptly concealed from the knowledge of the said Executive Government a great part of the emoluments of his office, amounting to about 5,264 l. 11 s. 11 d. currency, for the years 1830, 1, 2, 3, and 1834, by transmitting to the said Government, during the said years, unfair and false returns of the amount of the fees and emoluments received by him as sheriff of the district of Montreal.

Resolved,—That by the said system of fraud and deceit, so practised by the said Lewis Gagy towards His Majesty's Executive Government in this province, he deliberately and corruptly allowed the said Government to remain ignorant that a portion of His Majesty's subjects were taxed by a mere tariff of fees made by the Court of King's Bench, to an enormous amount, and at a rate utterly disproportionate to the services by him performed.

Resolved,—That the said Lewis Gagy wilfully and maliciously gave false evidence in his examination before the Special Committee of this House, appointed to inquire concerning the fees and emoluments received by the sheriffs, prothonotaries and criers of the Court of Appeals, and of the Courts of King's Bench of this province, in virtue of their respective offices, and that, in so doing, the said Lewis Gagy has been guilty of a high misdemeanor, and of a breach of the privileges of this House.

Resolved,—That, by such false evidence, the said Lewis Gagy intended deliberately and corruptly to conceal from the knowledge of this House the enormous and disproportionate amount of the fees and emoluments which he receives as sheriff of the district of Montreal, and thereby to prevent this House and His Majesty's Government from applying an effective remedy to the great abuses and grievances aforesaid, under which His Majesty's faithful subjects in this province are suffering.

Resolved,—That the Legislature of this province has already exerted itself to improve the physical and moral condition of the accused persons, and those under sentence in the gaols of this province, and that until its efforts and labours can be followed by immediate effect, it is expedient to remedy the abuses which may exist in the keeping and management of the common gaols in the several districts of this province.

Resolved,—That by the common law of the country, as well as by the Act passed in the 45th Geo. 3, c. 13, the common gaols in and for the several districts of this province are placed under the care of the sheriffs in their respective districts, and that by virtue of the said laws, it is the especial duty of Lewis Gagy, esquire, sheriff of the district of Montreal, to keep and superintend the common gaol of the district of Montreal, and to see that it is healthy and secure.

Resolved,—That the officers, to whom the keeping, security and healthiness of the said gaol were entrusted, had at their disposal, on the 9th Dec. 1835, the means of furnishing to the prisoners therein confined, the usual and sufficient allowance of provisions and fuel to maintain and preserve the lives of the said prisoners.

Resolved,—That the death of the prisoner John Collins, which happened in the said common gaol of the district of Montreal, in the night between the 9th and 10th of December 1835, is to be attributed chiefly, and in a great measure, to the culpable negligence of the subordinate officers who had the care and keeping of the said gaol, and whose duty it was to watch over the health of those whom it contained; and that the sheriff of the district of Montreal was bound to superintend the said officers, and is responsible for their conduct, and has been guilty of violating his duty in not superintending them with sufficient care, and in neglecting to see that the said gaol was kept in proper order, and the health of the prisoners duly attended to.

Resolved,—That by his answers before the Special Committee directed to inquire into the circumstances which preceded and accompanied the death of the said John Collins, and the state of the said gaol, the said Lewis Gagy has shown himself ignorant of the state, keeping and management of the gaol under his charge; that the said Lewis Gagy has permitted the existence of various abuses, and of vicious regulations in the said gaol so under his care, and has not taken any means to remedy them; and that he has permitted and authorized the continuance in office as turnkeys the two sons of the gaoler, notwithstanding their bad conduct and immoral character, with which circumstances the said Lewis Gagy was acquainted.

Resolved,—That the said Lewis Gagy is therefore unworthy to enjoy the confidence of His Majesty's Government in this province, or to hold any place of honour or profit therein.

Resolved,—That an humble address be presented to His Excellency the Governor-in-Chief, praying that he will be pleased to exercise the powers with which his commission invests him, by removing the said Lewis Gagy from the office of sheriff of the district of Montreal, and that he will not hereafter appoint him to any place of honour or profit in this province.

(signed) W. B. Lindsay,
Clerk Assisting.

Enclosure 2, in No. 1.

Gentlemen,

I REQUEST you to acquaint the House of Assembly, in answer to this Address, that Mr. Sheriff Gagy shall be forthwith called upon for such defence and explanations as he may have to make to the charges preferred against him in the accompanying Resolutions, and that when his statement shall have been received, I will take the whole matter into my serious consideration, and adopt such measures as the case may require.

Castle, St. Lewis, Quebec, 9 March 1836.

Enclosure 3, in No. 1.

FIRST REPORT.

Correspondence
respecting
Mr. Guky.

The Special Committee appointed to inquire concerning the Fees and Emoluments received by the Sheriffs, Prothonotaries, and Criers of the Court of Appeals and of the Courts of King's Bench of this Province, by virtue of their respective offices, with an instruction to inquire also concerning the Fees and Emoluments received by the Attornies, Clerks of the Peace, and by the other Officers of Civil and Criminal Courts of Judicature in this Province, by virtue of Tariffs made by the said Courts, and generally concerning all Fees and Emoluments received by virtue of Tariffs made by the said Courts, either under the 17th Section of the Act passed in the 41 Geo. 3, c. 7, or otherwise; and to whom were also referred the Income Returns of the Sheriffs, Prothonotaries, and of the Clerk of the Courts of Appeals for the years 1830, 1831, 1832, 1833 and 1834, have the honour to make the following Report concerning the Sheriff of the district of Montreal:—

THE office of sheriff of the district of Montreal, one of the most important of those connected with the administration of justice, has, since the year 1827, been held by the Honourable Lewis Guky, a member of the Legislative Council.

The income of the office consists of a fixed salary of 100 *l.* sterling per annum, of divers fees which he receives under the authority of a tariff made and promulgated by the judges of the Court of King's Bench at Montreal, on the 7th June 1815, and of the legal commission of two and a half per cent. on the monies by him levied under writs of execution.

The fees are nearly as follows:—on a writ of summons for less than 20 *l.*, 5 *s.*; for less than 30 *l.*, 6 *s.* 8 *d.*; and for more than 30 *l.*, 8 *s.* 4 *d.*; and for each additional copy, one-half of the said fees respectively; the said fees being a little higher when the process is accompanied by a writ of *saisie arrêt*, *saisie gagerie* or of *capias*; on all deeds of sale for less than 30 *l.*, 20 *s.*; for more than 30 *l.* and less than 100 *l.*, 30 *s.*; and for more than 100 *l.*, 40 *s.* The sheriff also receives a fee of 5 *s.* on each opposition filed in his office, and 7 *s.* 6 *d.* when the opposition stops the sale of moveable property.

In pursuing this branch of their inquiry, (which has not been the least difficult), your committee have examined the sheriff himself, Francis Perry, esq., his chief clerk, who has been employed in the office since the year 1823, and also several documents laid before your Honourable House by the Governor in Chief, and a table of the writs of execution issued during the last five years, laid before your committee by the prothonotary of the Court of King's Bench for the district of Montreal.

There are so many points on which the evidence of the sheriff and that of Mr. Perry contradict each other, and on which both of them are at variance with the public documents aforesaid, that your committee are under the necessity of entering into a crowd of details which they would willingly have avoided. The nature of the proof adduced before your committee enables them to state as their opinion, that the evidence of Mr. Perry is more worthy of credit than that of the sheriff, which latter is on many points far from being correct.

Mr. Guky was at Quebec when he was summoned to appear before your committee; his examination took place on the 14th of November last, and it was not until after his return to Montreal that Mr. Perry was called before your committee.

Before proceeding to state the amount of the evidence aforesaid, it is right to remark, that Mr. Lewis Guky transmits every year to the Executive Government, accounts or returns of his income as sheriff of Montreal, to be subsequently used in compiling the document commonly called "The Blue Book." Mr. Perry never had anything to do with these reports; he states that he never saw them, or knew what amount was returned in them.

It appears by extracts from the Blue Book, laid before your Honourable House by his Excellency the Governor in Chief, that the sums thus returned to the Executive by the said Honourable Lewis Guky, as the amount of the income of his office, from the year 1830 to the year 1834, inclusively, are as follows:—

YEARS.	STERLING.						TOTAL.							
	Fixed Salary.			Fees.			Sterling.			Currency.				
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.		
1830	-	-	105	-	-	1,094	7	3	1,199	7	3	1,332	12	6
1831	-	-	105	-	-	1,197	-	-	1,302	-	-	1,446	13	4
1832	-	-	105	-	-	992	14	-	1,097	14	-	1,219	13	4
1833	-	-	105	-	-	1,030	-	-	1,135	-	-	1,261	2	2 ³ ₄
1834	-	-	105	-	-	1,382	-	-	1,487	-	-	1,652	4	5 ¹ ₂
£.			525	-	-	5,696	1	3	6,221	1	3	6,912	5	10

The entries in the Blue Book are all in sterling money. No deduction is mentioned in that book for the first four years, but for the year 1834 the entry is as follows:

	£.	s.	d.
Gross amount of the fees during the year 1834, sterling - - -	1,382	-	-
To be deducted, for office rent, expenses of the office, printing, stationery, clerks, &c. - - -	394	-	-
	£. 988	-	-

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From this entry it would seem, that in 1834 the net amount of the sheriff's income from fees was only 988 *l.* sterling, equal to 1,097 *l.* 15 *s.* 6 *d.*; while, according to his books of receipt and expenditure, the said net income was really 2,113 *l.* 17 *s.* 2 *d.* currency. With regard to the four first years, it is impossible to say whether the sums entered in the Blue Book are intended to represent the amount of the gross or of the net income of the sheriff, during the said years, for they are not accompanied by any such explanation as that given in 1834. But from Mr. Perry's evidence touching the annual amount of the said income, from the statements furnished by him, and from the entry in the Blue Book above specified, your committee are compelled to believe that the said several sums are entered in that book, as being the gross income. The course of the inquiry shows that a contrary opinion cannot be maintained.

Your committee come now to the evidence of Mr. Gagy, concerning the annual amount of his receipts, and the manner in which his office is kept. His answers to the questions inserted below, will show your Honourable House the necessity there was that Mr. Perry should be examined. The examination of the latter took place in December last, and as a part of his evidence was missing without its being possible for your committee to discover the cause, this circumstance made it necessary again to summon Mr. Perry before the committee. Having accordingly appeared on the 8th instant, the said witness declared that the answers he then gave were as nearly as possible the same as those which were missing.

To attain the object which your committee have had in view, that is, to show the manifest and unjustifiable contradictions which prevail between the evidence of Mr. Gagy and that of Mr. Perry, your committee have thought it their duty to transcribe a portion of the same in this Report, in order that the evidence of each may be confronted with that of the other:

Mr. Gagy.

What has been the average amount of the gross income of your office for the last five years, mentioning the amount for each year?—It is impossible for me to answer this question. I even think I could not answer it if I were in my office. The income of the office is composed of several different branches which come in unequally, so that it is impossible to keep separate accounts of them. I think however that the gross income exceeds 2,000 *l.*

Do you keep a separate book of receipt for each of the said sources of income?—No.

Do you regularly keep a general book of receipts?—I do not keep a general book of receipts; but I have means of ascertaining the income of the office when necessary.

general book of receipts of the said office?—There is.

By whom are kept the books which you mention as kept in the sheriff's office?—By me.

Is it from these books that the statements which you have produced before this committee were made?—Yes.

Are these books kept in the sheriff's office with the knowledge of the said sheriff?—They are.

Do you keep a set of books or a single cash book in the said office?—For some years after Mr. Gagy came into office, he kept only a cash book besides the office books; during the last two or three years the private books of Mr. Gagy relative to the fees of his office have been kept more extended.

Are the receipts of fees on executions and on mesne process, or arising from other sources of revenue in the said office, kept and entered separately in the said books?—Yes.

Could you furnish the committee with a statement of the separate amount of each of these sources of income during the last five years, showing the amount for each year?—I could not, even if I were in my office.

these books of receipt that you yourself furnished the committee with statements of the said income, at the time of your examination on the 14th December last?—A statement of the fees of office could be always done from the books and papers in the sheriff's office, and I have made them from it.

The whole bearing of this evidence, and an attentive examination of the contradictions it contains, have convinced your committee that the said Lewis Gagy does keep books of receipt, and has the means of ascertaining the amount of the income of his office, and was himself able to give your committee that correct information on this point which was absolutely necessary for their guidance in their inquiry; but that the said Lewis Gagy has pursued towards your

Mr. Perry.

Are the proceeds of the several different sources of revenue in the sheriff's office entered in a book, or in books separately?—The proceeds of the office are entered regularly in the book, that is to say, the fees on executions are entered in items, the smaller fees and those on mesne process are collected in a drawer and entered as taken therefrom.

Does the sheriff of Montreal keep a regular book of receipt for the several sources of the income of his office?—Yes; he keeps a regular cash book.

Is there kept in the sheriff's office a separate book of receipts for each of these sources of income?—An account of fees is kept in the sheriff's office, on which all the fees of office are regularly entered.

Is there kept in the sheriff's office a

From these books of receipt kept by the sheriff, it is in his power then to furnish an exact statement of the separate amount of each of the sources of the income of his office during the last five years, showing the amount for each year; and is it not from

your committee the same line of conduct which he has adopted towards the Executive; that in tampering with the truth in so culpable a manner, his object was to prevent your committee from obtaining a correct knowledge of the enormous income he derives from his office, the more enormous because no proportion exists between it and the duties which that office imposes on him. Your committee cannot attribute to any other motives the negative and false answers of the said Lewis Guky, to questions relative to facts which he has every day before his eyes. If it were possible to suppose, for an instant, that he has up to this time been ignorant of the facts stated by Mr. Perry in his evidence, this ignorance would be most culpable in a public officer having duties to perform so important as those of the sheriff, and his conduct would be yet more to be condemned, because in that case the said Lewis Guky would offer the demoralizing example of a man accepting a high office of honour and profit, for the sole purpose of attaining large sums of money, without any care for the faithful performance of the public duties it imposed on him. But this supposition is wholly inconsistent with the facts, which fully bear out the opinion above expressed by your committee; and the remaining portion of this Report must convince your Honourable House that this opinion is but too well founded.

Your committee then, being unable to obtain from the said Lewis Guky the information which they asked of him, and which it was in his power to give, had recourse to the said Francis Perry, who is the chief clerk of the said sheriff, and was even appointed his deputy during the continuance of the Act of the 9 Geo. 4, c. 6.

The said Francis Perry consequently laid before your committee the statements which accompany the Report, and which are marked Nos. 1, 2, 3, 4.

According to these statements, the gross income of the said sheriff, for the last five years, including his fixed salary, has been as follows:

In 1830	-	-	-	-	-	£. 2,127	1	11
1831	-	-	-	-	-	2,289	19	6
1832	-	-	-	-	-	2,569	1	8
1833	-	-	-	-	-	2,562	17	6
1834	-	-	-	-	-	2,627	17	2
Total						£. 12,176	17	9

The expenses of his office, as stated by the said Lewis Guky, are 514*l.*, that is,

To Mr. Perry, chief clerk	-	-	-	-	£. 250
Three other clerks, at 50 <i>l.</i>	-	-	-	-	150
Rent, stationery, &c.	-	-	-	-	114
					£. 514

The total amount of his income as above established, (that is 12,176*l.* 17*s.* 9*d.* currency,) being divided by five, gives an annual average income of 2,435*l.* 7*s.* 6*d.* currency; and after deducting from this last sum, that of 514*l.*, which appears to have been hitherto the amount of the expenses of his office, the net annual income of the said Lewis Guky will average 1,921*l.* 7*s.* 6*d.* currency. This amount is established by the evidence of Mr. Perry, and by the extracts made by him from the books of receipt kept by himself in the office of the said sheriff, under the very eye and with the knowledge of that officer.

Your committee are at a loss how to explain the enormous difference between this amount and that entered in the Blue Book. They can only attribute it to a system of deception practised by the said Lewis Guky upon the Executive Government, with a view to deceive the latter, and to leave it in ignorance of the real amount of the emoluments he receives.

This difference is equal to one-half nearly. From the returns made by the sheriff to the Executive Government, as they appear in the Blue Book, the income of the sheriff for the last five years would seem to be 6,221*l.* 1*s.* 3*d.* sterling, equal to 6,912*l.* 5*s.* 10*d.* currency, while, according to the statements furnished by Mr. Perry, the said income for the same period has been 12,176*l.* 17*s.* 9*d.* currency, making a difference of 5,264*l.* 11*s.* 11*d.* currency, which the said Lewis Guky has received, but has concealed from the knowledge of the Executive Government; and this difference would be equal to the sum of 1,052*l.* 18*s.* 4*d.* currency per annum.

The expenses of the said sheriff being 514*l.* a year, their total amount for the said five years will be 2,570*l.* currency. Deducting this sum from those entered in the Blue Book, which amount to

£. 6,912	5	10
2,570	-	-

there remains a balance of - - - £. 4,342 5 10 which, being divided by five, makes the average amount of the sheriff's net annual income 168*l.* 9*s.* 2*d.* currency.

The Executive Government has therefore been led to believe from the returns made to it by the said Lewis Guky, one of its responsible officers, that the income of his office did not on the average amount to more than about the said sum of 868*l.* 9*s.* 2*d.* while he was in fact receiving an annual income of

£. 1,921	7	6
868	9	2

making a difference of - - - - - £. 1,052 18 4

It is true that the said Lewis Guky acknowledged before your committee that the gross income of his office might exceed 2,000*l.*; but how is this answer to be reconciled with

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returns made by him to the Executive Government? If there is anything like good faith in the answer, there must be none whatever in the returns.

Your committee have also taken into consideration the statement of the writs of execution returned by the sheriff to the prothonotary's office during the years 1830, 1831, 1832, 1833 and 1834, as furnished to your committee by the prothonotaries.

These statements which are voluminous, comprise,

1. The number of such writs.
2. Their date and nature.
3. The day appointed for the return.
4. The time when they were returned by the sheriff.
5. The amount of the sheriff's fees on each of the said writs.
6. The amount of his disbursements on each, showing the purposes for which they were incurred.
7. The amount of his legal commission on the monies levied under each such writ.
8. The amount of the sums levied.

The following is a summary of the said statements :

YEARS.	Sheriff's Fees on the Writs of Execution.	DISBURSEMENTS.		COMMISSION.	Amount of the Sums levied.
		Printing.	Bailiffs.		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830	386 — 4	Printing and Bailiffs	1,563 1 —	573 19 2	23,115 4 —
1831	449 5 3	1,011 5 —	721 17 10	823 19 3½	33,123 19 3
1832	209 16 8	332 9 10	645 18 1	539 4 4½	21,400 10 10
1833	371 2 1	294 16 —	1,042 1 4½	1,285 1 6½	61,912 17 2
1834	497 10 2	409 — 10	1,787 15 8	770 7 1	31,196 10 1
£.	1,913 14 6	2,047 11 8	5,760 13 11½	3,992 11 5½	170,749 1 4

Commission at 2½ per cent. on 170,749*l.* 1*s.* 4*d.*, equal to 4,268*l.* 14*s.* 6*d.*

The sums entered in the said statements do not agree with those in the statements furnished by Mr. Perry. With regard to the sheriff's fees on executions, this is to be attributed to the frequent omission on the part of that officer to mention the amount of his fees in his returns. This omission is far from being beneficial to the parties interested, for after having examined the writs of execution returned by the sheriff to the prothonotary's office, it is still necessary to go down to his office to ascertain the amount of his fees and disbursements. Your committee therefore think it right, with reference to this point, to rely on the statements furnished by Mr. Perry, and made from the books of receipt kept in the sheriff's office.

This difference ought not however to exist, at least not to the same extent, with regard to the legal commission to which the sheriff is entitled on the monies levied. Your committee finding it impossible to account for the difference in this case, must content themselves by making it apparent to your Honourable House by means of figures :

Mr. Perry's Statement :

Total amount of the sheriff's commission.				
Years.				
1830	-	-	£. 520	11 3
1831	-	-	883	— 8
1832	-	-	1,085	7 —
1833	-	-	789	16 8
1834	-	-	601	15 6
			£. 3,880	11 1

Statement made by the Prothonotaries :

Total amount of the sheriff's commission.				
Years.				
1830	-	-	£. 573	19 2
1831	-	-	823	19 3½
1832	-	-	539	4 4½
1833	-	-	1,285	1 6½
1834	-	-	770	7 1
			3,992	11 5½
			3,880	11 1
			£. 112	— 4½

Such is the difference which exists between these several statements. It amounts, it is true to but a small sum on the whole, but it varies each year in an explicable manner.

Another difference is apparent between the statement marked No. 3, produced by Mr. Perry, and the statements of executions returned as furnished by the prothonotaries. By the said statement No. 3, it would seem, the total amount of monies levied during the said five years is 155,222*l.* 0*s.* 1*d.*, yielding the sheriff, for his legal commission, the sum of 3,880*l.* 11*s.* 1*d.*

On the other side, if we examine the said statements of executions returned, and suppose the several sums therein entered to be correctly added up, it appears that the amount of the same monies levied by the sheriff during the said period is a much larger sum, namely, that of 170,749*l.* 1*s.* 4*d.* currency, yielding the said sheriff for his legal commission the sum of 4,268*l.* 14*s.* 6*d.* currency. The difference between the two accounts will stand as follows :

Statement made by the Prothonotaries :				
Amount levied	-	-	£. 170,749	1 4
Mr. Perry's statement	-	-	155,222	— 1
			£. 15,527	1 3
Commission	-	-	£. 4,268	14 6
Ditto	-	-	3,880	11 1
			Difference	- - - £. 388 3 5

This

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This sum of 388*l.* 3*s.* 5*d.* ought therefore to be added to the net income of the said sheriff for the five years aforesaid. That income as above established amounts yearly to - - - - - £. 1,921 7 6 Correspondence respecting Mr. Guky.

The said sum of 388*l.* 3*s.* 5*d.* being divided by five, gives the yearly sum of 77 12 8

Total - - - £. 1,999 - 2

Such appears to be the yearly net income of the said sheriff, according to the evidence collected by your committee.

If the total amount of the monies levied as shown by the said statements of executions returned, would make the sheriff's legal commission amount to a larger sum than that at which it is therein stated, this is probably owing to another omission on the part of the said sheriff, who, in many of the said returns, does not specify the amount of his commission, contenting himself with merely mentioning that he received payment of debt with interest and costs.

Another circumstance which has struck your committee, and which is doubtless the result of the conduct which they have good grounds for accusing the said Lewis Guky of having held both towards the Government, and towards your committee, is, that the portion of his evidence which relates to the yearly expenses of his office does not at all agree with the returns made by him to the Executive, as entered in the Blue Book. The said expenses, according to his declaration before your committee, would seem to be about 514*l.* a year, while, according to the return for 1834 made by him to the Executive, they would seem to amount only to 394*l.* sterling, equal to 437*l.* 15*s.* 6*d.* currency; making a difference of 76*l.* 4*s.* 6*d.* currency.

Your committee have thought it right here to terminate their examination of the contradictions and serious misconduct which this inquiry has exposed. With regard to the necessity of reducing the income of the sheriff of the district of Montreal to a just remuneration for his services, your committee will make it their duty to submit their views on this subject to your Honourable House in a subsequent Report.

For the present, your committee have thought right to confine themselves to making a separate Report, for the purpose of representing to your Honourable House the culpable conduct of the said Lewis Guky both towards His Majesty's Executive Government in this province, and towards one of the committees of your Honourable House. Fidelity in the performance of his duties, and good faith in all his actions, ought to be the first qualities required in a public and responsible functionary. He who does not possess these qualities is unworthy to hold the office entrusted to him, or to enjoy the confidence of His Majesty's Government. Your Honourable House, as the great inquest of the country, is entitled to demand and obtain from the various public officers, exact and true information with regard to the nature and income of their offices, and the manner in which they perform their duties. It is for the interest of His Majesty's Government in this province, that his representative should watch carefully over the conduct of his servants, and should require from them all such information as may tend to promote the welfare and prosperity of his subjects. The first duty of a good government is to take care that the subject be not excessively taxed, in order that public officers may receive salaries disproportionate to the services they perform. It is doubtless with the view of thus promoting the public good, that the Executive of this province requires yearly from its servants, and more especially from the sheriffs, statements and returns of the amount of the income of their respective offices. These officers are bound in duty and in honour to act in good faith towards His Majesty's Government, to lay before it truly all the information and statements which it may require of them, and not to conceal from its knowledge by fraud or deceit any facts concerning which the Government may think it right to inquire.

The result at which your committee, after having most attentively reflected on this subject, have arrived, is the conviction that the said Lewis Guky, for the reasons aforesaid, founded on the facts which this inquiry has brought to light, is unworthy to enjoy the confidence of His Majesty's Government, or to hold any place of honour or profit under it.

In consequence of this opinion, your committee have thought it their duty to accompany this Report with the following resolutions:

Resolved,—That the said Lewis Guky in his quality of sheriff of the district of Montreal receives large sums of money in the shape of fees; and that being required by His Majesty's Executive Government in this province, yearly to lay before it true and exact statements or returns of the amount of the fees and emoluments received by him in his said quality of sheriff, the said Lewis Guky, instead of acting frankly and in good faith towards the said Executive Government, and affording it the information required of him, has, on the contrary, purposely, deliberately and corruptly deceived the said Government, and practised towards it a system of fraud and deceit calculated to degrade His Majesty's Government in this province, and to deprive it of the confidence and respect of his faithful subjects therein.

Resolved,—That in pursuance of this system of fraud and deceit, the said Lewis Guky deliberately and corruptly concealed from the knowledge of the said Executive Government, a great part of the emoluments of his office, amounting to about 5,264*l.* 11*s.* 11*d.* currency, for the years 1830, 1831, 1832, 1833 and 1834, by transmitting to the said Government during the said years, unfair and false returns of the amount of the fees and emoluments received by him as sheriff of the district of Montreal.

Resolved,—That by the said system of fraud and deceit so practised by the said Lewis Guky towards His Majesty's Executive Government in this province, he deliberately and corruptly allowed the said Government to remain ignorant that a portion of His Majesty's subjects

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subjects were taxed, by a mere tariff of fees made by the Court of King's Bench, to an enormous amount, and at a rate utterly disproportionate to the services by him performed.

Resolved,—That the said Lewis Gagy wilfully and maliciously gave false evidence in his examination before the special committee of this House appointed "to inquire concerning the fees and emoluments received by the sheriffs, prothonotaries and criers of the Court of Appeals and of the Courts of King's Bench of this province, in virtue of their respective offices," and that in so doing the said Lewis Gagy has been guilty of a high misdemeanor, and of a breach of the privileges of this House.

Resolved,—That by such false evidence, the said Lewis Gagy intended deliberately and corruptly to conceal from the knowledge of this House, the enormous and disproportionate amount of the fees and emoluments which he receives as sheriff of the district of Montreal, and thereby to prevent this House and His Majesty's Government from applying an effective remedy to the great abuses and grievances aforesaid, under which His Majesty's faithful subjects in this province are suffering.

Resolved,—That the said Lewis Gagy is therefore unworthy to enjoy the confidence of His Majesty's Government in this province, or to hold any place of honour or of profit therein.

Resolved,—That it is the opinion of this committee, that an humble address be presented to His Excellency the Governor in Chief, praying that he will be pleased to exercise the powers with which his commission invests him, by removing the said Lewis Gagy from the office of sheriff of the district of Montreal, and that he will not hereafter appoint him to any place of honour or profit in this province.

The whole nevertheless humbly submitted.

L. H. Lafontaine, Chairman.

16 Januar 1836.

MINUTES OF EVIDENCE.

Saturday, 14 November 1835. Louis Hypolite Lafontaine, Esq., in the Chair.

The Honourable *Lewis Gagy*, a Member of the Legislative Council, called in; and Examined.

How long have you been sheriff of the district of Montreal?—Since 1827.

What is the salary attached to your said office?—£.100.

What has been the average amount of the gross income of your office for the last five years; mentioning the amount for each year?—It is impossible for me to answer this question. I even think I could not answer it if I were in my office. The income of the office is composed of several different branches, which come in unequally, so that it is impossible to keep separate accounts of them. I think, however, that the gross income exceeds 2,000 *l*.

What are the several sources from which this income is derived?—The fixed salary, the fees on the following writs of summons of a special nature: of execution, *capias*, &c., sales of moveable or immoveable property, and commission on the monies levied.

What are your fees on writs of summons and *capias*, and on deeds of sale?—The fees on a writ of summons for less than 20 *l*. are 5 *s*., for less than 30 *l*.—6 *s*. 8 *d*., and for more than 30 *l*.—8 *s*. 4 *d*., and for each additional copy one half of such fees respectively. These fees include the return, but not the disbursements. The fees are a little higher when the writs are accompanied by *saisie gagerie*, *saisie arrêt*, or *capias*. My fees on deeds of sale for less than 30 *l*. are 20 *s*.; from 30 *l*. to 100 *l*.—30 *s*.; and above 100 *l*.—40 *s*.

Is the service, not including the mileage, comprised in the above charges?—No.

Do you keep a separate book of receipt for each of the said sources of income?—No.

Do you generally keep a general book of receipts?—I do not keep a general book of receipts; but I have means of ascertaining the income of the office when necessary.

Could you furnish the committee with a statement of the separate amount of each of these sources of income during the last five years, showing the amount for each year?—I could not even if I were in my office.

What are the expenses attendant on your office, and paid exclusively out of the income derived from it?—First: the salaries of four clerks,—the head clerk having a salary of 250 *l*. a year; another 60 *l*.; and two 52 *l*. each. The rent of the office 40 *l*. Stationery and printing 60 *l*.; in all 514 *l*.

Has your chief clerk the quality of deputy sheriff?—He had before the expiration of the Act in that behalf.

What are the names of your clerks?—The chief clerk is Francis Perry, Esq., the others are Messrs. James Terroux, ——— Marquis, and I cannot remember the name of the fourth.

What are the fees paid by you to the bailiff employed to summon jurors in civil cases?—They vary from 10 *s*. to 20 *s*.

If the committee should wish to have the registers of your office brought down during your stay at Quebec, could your chief clerk bring them down?—If the committee wish them to be brought down, I would rather it should be after I return to Montreal, which I shall do very shortly.

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What fee do you receive upon oppositions?—Five shillings; and when the opposition prevents the sale of the moveables, 7 s. 6 d.

Besides the fee paid you on filing an opposition afin de conserver in your office, what fee do you receive on the judgment of distribution?—None.

Is it usual to file at your office oppositions afin de conserver?—Very rarely.

When monies are paid into your hands upon executions before the seizure takes place, do you charge poundage?—Certainly.

Do you make your returns to writs of execution on the day therein appointed?—Generally this is the case.

When monies are paid into your hands as sheriff, do you keep them in your office, or deposit them elsewhere?—I deposit them regularly in the Montreal Bank.

To how much did your poundage on the sale of the seigniorie of Terrebonne to Mr. Masson amount?—£. 628.

Can you state the average amount of the yearly income you derived from your office when you were sheriff of the district of Three Rivers?—One year with another, 450 l.

Do you every year furnish the Executive with an account of your income as sheriff?—Yes, at the commencement of each year.

When you were sheriff at Three Rivers, did you send to the Executive an annual report of the amount by you received as such sheriff?—Yes; whenever it was required, as it was almost every year.

If you are unable to give the committee a detailed statement of your income for the last five years, how are you able to furnish the Executive every year with a statement of your income as sheriff?—I do not furnish the Executive with a detailed statement; and I draw up my statement from notes which I keep.

Do you generally employ bailiffs residing in the country parishes, for services and seizures to be made therein?—Sometimes, but not generally; because the country bailiffs are not sufficiently correct in the performance of their duties.

What difference is there in the costs of mileage when a bailiff residing in the country is employed?—The difference of distance causes a difference of 2 s. less in the mileage, because the country bailiffs only charge a shilling a league for their return.

Are not the fees of the bailiffs too high?—I think they are; but if they were lowered it would be difficult to find persons qualified and able to perform the duty of a bailiff.

Have you furnished the Executive with annual statements of your income for the last five years?—Yes.

Have you in your possession the notes you mentioned, or are they destroyed?—Yes; I have them at my office at Montreal.

Could you not furnish a detailed statement of your income from the notes which serve as the basis of your calculations for the statements you furnish to the Executive?—I think I could, if I were at Montreal.

Do you give security for the due performance of the duties of your office?—Yes, notwithstanding the expiration of the Act, the Executive has obliged me to render my security: this security is to the amount of 6,000 l.

Monday, 14 December 1835. Francis Perry, Esq., called in; and Examined.

ARE you employed in the office of the sheriff of Montreal, and in what capacity, and how long have you been so?—I have been in the office since March 1833. I was appointed deputy sheriff during the existence of the statute passed in the year 1829, chapter 6; and since, I remained in the office as principal clerk.

What was the amount of the gross revenue of the office during the years 1830, 1831, 1832, 1833 and 1834, specifying the same for each year?—I produce a correct statement of the gross revenue of the sheriff's office in Montreal:—

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No. 1.—STATEMENT of the Gross Revenue of the Office of Sheriff of the District of Montreal,
for the years 1830, 1831, 1832, 1833 and 1834.

	1830.	1831.	1832.	1833.	1834.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Commission - - -	520 11 3	883 - 8	1,085 7 -	789 16 8	601 15 6
Fees on writs of summons	431 6 8	307 13 4	432 10 -	581 15 -	667 8 4
Ditto on saisies arrêt, ga- gerie, and revendica- tion - - -	81 19 10	86 2 6	111 15 -	138 1 8	160 12 6
Ditto on capias ad res- pondendum - -	30 15 10	42 6 8	44 17 2	89 11 8	88 6 8
Ditto on otherspecial writs	7 16 8	4 19 8	3 13 4	1 6 8	2 13 4
Ditto on deeds of sale -	341 10 -	239 10 -	306 - -	224 - -	237 - -
Ditto on warrants and returns on executions against goods - -	174 7 6	170 12 6	138 - -	190 2 6	266 5 -
Ditto against lands -	71 17 6	71 2 6	46 17 6	71 2 6	89 10 -
Ditto on capias ad satis- faciendum - - -	5 12 6	5 12 6	1 17 6	6 15 -	6 15 -
Ditto on oppositions on fi. fa. against goods -	51 - -	48 - -	42 10 -	53 10 -	60 - -
Ditto against lands -	36 7 6	38 12 6	33 7 6	37 17 6	39 7 6
Ditto on drawing adver- tisements for sale of lands - - -	155 16 8	172 10 -	108 6 8	155 - -	173 6 8
Ditto on conditions of sale of lands - -	57 - -	51 6 8	44 - -	41 13 4	62 6 8
Ditto on bonds - -	15 - -	19 10 -	18 - -	26 - -	21 10 -
Ditto on venire facias -	24 - -	28 - -	30 - -	34 - -	30 - -
Ditto on warrants of dis- charge from seizure and arrest - - -	7 - -	6 5 -	7 10 -	6 15 -	6 - -
Copies of deeds of sale -	5 - -	4 15 -	4 10 -	5 10 -	5 - -
Salary as sheriff - -	110 - -	110 - -	110 - -	110 - -	110 - -
£.	2,127 1 11	2,289 19 6	2,569 1 8	2,562 17 6	2,627 17 2

What was the amount of that part of the said revenue arising from the fees on deeds of sale delivered by the sheriff during the said five years; specifying the same for each year, and also stating the amount accruing from deeds at 20 s., 30 s., 40 s., respectively?—I produce in answer to this question a correct statement of those fees for the above period:

No. 2.—STATEMENT of Fees received by the Sheriff of the District of Montreal, on Deeds of Sale, for the years 1830, 1831, 1832, 1833 and 1834.

Years.	No. of Deeds at 20s. each.	Amount of Fees.	No. of Deeds at 30s. each	Amount of Fees.	No. of Deeds at 40s. each	Amount of Fees.	Total for Deeds.
		£. s. d.		£. s. d.		£. s. d.	£. s. d.
1830 -	144	144 - -	65	97 10 -	50	100 - -	341 10 -
1831 -	75	75 - -	55	82 10 -	41	82 - -	239 10 -
1832 -	98	98 - -	72	108 - -	50	100 - -	306 - -
1833 -	45	45 - -	42	63 - -	58	116 - -	224 - -
1834 -	80	80 - -	50	75 - -	41	82 - -	237 - -

What was the amount of that part of the said revenue arising from the legal commission on the proceeds of sales during the said five years, stating the same for each year; and also, showing separately the amount arising from sales of moveable and of immoveable property?—I produce in answer to this question a correct statement of those fees for the above period:

No. 3.—STATEMENT of the Amount received by the Sheriff of the District of Montreal, for Commission on Sales of Goods and Chattels, Lands and Tenements, under Writs of Execution, for the Years 1830, 1831, 1832, 1833 and 1834.

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Years.	Amount of Sales of Goods.	Commission.	Amount of Sales for Lands.	Commission.	Total for Commission.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830 -	2,459 - 1	61 9 6	18,363 9 3	459 1 9	520 11 3
1831 -	1,820 7 9	45 10 2	33,500 18 2	837 10 6	883 - 8
1832 -	1,638 12 7	40 19 4	41,775 6 11	1,044 7 8	1,085 7 -
1833 -	8,086 - -	202 3 -	23,507 3 7	587 13 8	789 16 8
1834 -	2,138 11 7	53 9 3	21,932 10 2	548 6 3	601 15 6
	16,142 12 -	403 11 3	139,079 8 1	3,476 19 10	3,880 11 1
	139,079 8 1				
£.	155,222 - 1				
2½ percent.	3,880 11 3				

What was the amount during the said five years, specifying the same for each year, arising from the fees, 1stly. On writs of summons; 2dly. On writs of saisie arrêt and saisie gagerie; 3dly. On writs of *capias ad respondendum* and *ad satisfaciendum*; 4thly. On writs of *venire facias*; 5thly. On other special writs; 6thly. On executions de bonis; 7thly. On executions de terris; 8thly. On oppositions; 9thly. On bail-bonds?—I produce, in answer to this question, a correct statement of those fees for the above period; and I remark, that the amount of the commission on executions referred to in this question, is set down in the statement of fees referred to in my answer to the fourth question, and the other fees on executions are set down in the general statement produced by me in answer to the second question:—

No. 4.—STATEMENT of Fees received by the Sheriff of the District of Montreal, in the Years 1830, 1831, 1832, 1833, and 1834, on Writs of simple Summons; 2d. On Writs of *Saisies Arrêt*, *Gagerie*, *Revendication*; 3d. On Writs of *Capias ad Respondendum*; 4th. On Writs of *Venire Facias*; 5th. On other special Writs; 6th. On Oppositions; 7th. Bail Bonds.

Years.	Amount of Fees on Summons.	On Writs of Saisie Arrêt, &c.	On Writs of Cap. ad respondendum.	On Writs of Venire facias.	On other Special Writs.	On Oppositions.	On Bail Bonds.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1830 -	431 6 8	81 19 10	30 15 10	24 - -	7 16 8	87 7 6	15 - -
1831 -	307 13 4	86 2 6	42 6 8	28 - -	4 19 8	86 12 6	19 10 -
1832 -	432 10 -	111 15 -	44 17 2	30 - -	3 13 4	75 17 6	18 - -
1833 -	581 15 -	138 1 8	89 11 8	34 - -	1 6 8	91 7 6	26 - -
1834 -	667 8 4	160 12 6	88 6 8	30 - -	2 13 4	99 7 6	21 10 -

The fees on *capias ad satisfaciendum*, executions de bonis, and executions de terris, are not stated, they being included in the general statement.

When the same individual becomes the purchaser of several lots of immoveable property, sold in the same case, do you give only one title?—No, a separate title is given for each lot sold.

What is the reason of this?—It has been the practice of the office.

How many clerks does the sheriff employ; what are their names and salaries?—Four, viz.: myself, William Marquis, Charles Leekee, and James Terroux. My salary is 250 *l.* per annum, and the others are 50 *l.* each.

Tuesday, 15 December 1835. Francis Perry, Esq., again called in; and Examined.

Does the sheriff of Montreal keep a regular book of receipt for the several sources of the income of his office?—Yes; he keeps a regular cash book.

Does the salary of 250 *l.* which you receive form the whole income you derive from your situation in the sheriff's office?—Yes. During the period of my being deputy sheriff, I received the fees allowed by the tariff regulating bailiffs' fees of the court, for any services I might have performed, which were very few. The amount I do not now recollect. I believe it did not exceed 50 *l.* per annum during the period.

Does the sheriff regularly make his returns to writs of execution on the appointed days in such writs?—Not always. The returns to executions are generally made as soon as the proceedings are complete. It frequently happens that several lots are sold, and some of the purchasers do not pay in sufficient time to enable the return to be made on the day indicated in the writ.

Does the sheriff furnish the Executive Government every year with a statement of the
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emoluments he derives from his office?—I believe so. I have never made any of the returns alluded to, and I have not seen them, nor do I know the amount returned.

What are the emoluments paid by the sheriff to the bailiff for summoning the jurors in civil cases?—Ten shillings, allowed by the tariff of the bailiff's fees.

Friday, 8 January 1836. Francis Perry, Esq., again called in; and Examined.

HAVE you not already appeared before this committee; how many times?—Yes; four times, I think.

Is not the income of the sheriff's office derived from several sources?—It is.

Are the proceeds of the several different sources of revenue in the sheriff's office entered in a book, or in books separately?—The proceeds of the office are entered regularly on the books; that is to say, the fees on executions are entered in items, the smaller fees and those on mesne process are collected in a drawer, and entered as taken therefrom.

Is there kept in the sheriff's office a separate book of receipts for each of these sources of income?—An account of fees is kept in the sheriff's office, in which all the fees of office are regularly entered.

Is there kept in the sheriff's office a general book of the receipts of the said office?—There is.

Is it from notes kept by the sheriff, or from the said books, that the statement sent annually to the Executive Government of this province by the sheriff, of the amount of his fees, is made?—I do not know how the sheriff made the returns alluded to; I have not made any.

By whom are kept the books which you mention as kept in the sheriff's office?—By me.

Is it from these books that the statements which you have produced before this committee were made?—Yes.

Are these books kept in the sheriff's office with the knowledge of the said sheriff?—They are.

Do you keep a set of books, or a single cash book in the said office?—For some years after Mr. Guky came into office, he kept only a cash book, besides the office books; during the last two or three years the private books of Mr. Guky, relative to the fees of his office, have been kept more extended.

Are the receipts of fees on executions and on mesne process, or arising from other sources of revenue in the said office, kept and entered separately in the said books?—Yes.

From these books of receipt kept by the sheriff, it is in his power then to furnish an exact statement of the separate amount of each of the sources of the income of his office, during the last five years, showing the amount for each year; and is it not from these books of receipt that you yourself furnished the committee with statements of the said income, at the time of your examination on the 14th December last?—A statement of the fees of office could be always done from the books and papers in the sheriff's office, and I have made them from it.

Can you now produce before this committee, a blank copy of sheriff's deed, as required in one of your former examinations?—Yes; I produce them. [See Appendix, (A.) and (B.)]

How long has the sheriff employed four clerks or writers?—I believe since 1828.

Does the sheriff generally employ bailiffs residing in the country to make the seizures which are to be made in the country?—The parties generally take the warrants to bailiffs in the country.

Are not the emoluments of the bailiffs too large?—The fees of the bailiffs are not, I think, too high in individual cases where they are obliged to travel for a single proceeding; when there are many papers in different causes, they may be deemed too high.

For what reason does the sheriff give as many deeds as there are lots sold, when such lots are all adjudged to the same purchaser?—It has been the custom in the office, I believe, since it has been established; at least it has been so since I have been in it.

Would there be any inconvenience in giving only one deed in such cases?—I am not aware of any, if the parties consented.

Would there be any inconvenience, independent of the wish of the parties?—No; several lots may be transferred by one deed.

In which language are all these deeds given?—Generally in the English.

Has the sheriff ever given any in French?—Sometimes.

Where is the sheriff's office kept?—In St. Vincent-street, in a private-house.

What rent does the sheriff pay a year for his office?—Thirty-five pounds.

Can you inform the committee, what is the probable amount of money in the hands of the sheriff, arising from the sale of either moveable or of immoveable property?—I should think about 20,000*l.*; I cannot say exactly.

What is generally the average amount of such monies in his hands, at any one time?—It varies very much; it may be set down since Mr. Guky came into office, at from 10,000*l.* to 15,000*l.*

Do you not generally give deeds in the English language to purchasers of lots of land speaking the French language?—Yes.

Is not the subject of your examination of to-day very nearly the same as that of your two last examinations in the month of December last?—It is very similar.

What are the usual expenses of the sheriff's office; have the goodness to state them in detail?—About 510*l.* per annum; clerks, 400*l.*; office rent and stationery and printing, 110*l.*

Has the sheriff sustained any loss, caused by the bailiffs or others employed by him?—No.

APPENDIX, (A.)

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To all to whom these presents shall come, I _____ esquire, sheriff of the district of Montreal, in the province of Lower Canada, send greeting.

Whereas on the _____ a certain writ of venditioni exponas of our Sovereign Lord the King was sued out of the Court of King's Bench of our said Lord the King, holding civil pleas in and for the said district of Montreal, at the suit of _____ . And whereas, I the said sheriff did cause the sale of the aforesaid _____ became the purchaser thereof, being the best and highest bidder, at and for the price or sum of _____ current money of the province of Lower Canada aforesaid. Now, in order to convey the said _____ and to confirm the purchase thereof to the said _____ heirs and assigns, know all men by these presents, that I the said _____ sheriff as aforesaid, by virtue of the said writ of venditioni exponas, and of my said office, and for and in consideration of the said sum of _____ to me by the said _____ at or before the execution hereof in hand paid, the receipt whereof I do hereby acknowledge, and thereof do acquit and discharge the said _____ heirs and assigns, have granted, bargained, sold and conveyed, and by virtue of the said writ of venditioni exponas and these presents, do, as much as in me is, and I lawfully may grant, bargain, sell and convey to the said _____ heirs and assigns, all the said _____ hereinbefore mentioned, situate, lying and being as aforesaid, and also all and singular the right, title, interest, property, claim and demand whatsoever, of me the said sheriff, by virtue of the writ of execution and venditioni exponas aforesaid, of, in, and to the same and every part and parcel thereof; to have and to hold all the said _____ in and by these presents bargained, sold and conveyed, and every part and parcel thereof, with _____ and every of _____ appurtenances unto the said _____ heirs and assigns, to the only proper use, benefit and behoof of the said _____ heirs and assigns for ever, and to and for no other use, intent or purpose whatsoever.

In witness whereof, I the said sheriff have hereunto set my hand and the seal of my office, this _____ day of _____ in the _____ year of the reign of our Sovereign Lord, _____ by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and thirty-

(B.)

To all to whom these presents shall come, I the honourable Lewis Guky, esquire, sheriff of the district of Montreal, in the province of Lower Canada, send greeting. Whereas on the _____ a certain writ of execution of our Lord the King was sued out of His Majesty's Court of King's Bench, holding civil pleas in and for the said district at the suit of _____ to me directed, which said writ, afterwards to wit, on the _____ was unto me delivered, in due form of law, to be executed; by virtue whereof I, the said sheriff, did seize in my hands and take in execution, as belonging to the said _____ . And whereas, I the said sheriff, having so seized into my hands and taken the said _____ in execution, did cause the same to be advertised and published according to law to be sold and adjudged to the highest bidder at _____ on the _____ day of _____ at _____ of the clock _____ noon, and the said being then and there put up to sale in the usual manner _____ became the purchaser thereof, being the best and highest bidder, at and for the price or sum of _____ current money of the province of Lower Canada aforesaid. Now, in order to convey the said _____ and to confirm the purchase thereof to the said _____ heirs and assigns, know all men by these presents, that I the said Lewis Guky, sheriff as aforesaid, by virtue of the said writ of execution, and of my said office, and for and in consideration of the said sum of _____ to me by the said _____ at or before the execution hereof in hand paid, the receipt whereof I do hereby acknowledge, and thereof do acquit and discharge the said _____ heirs and assigns, have granted, bargained, sold and conveyed, and by virtue of the said writ of execution, and these presents do, as much as in me is, and I lawfully may grant, bargain, sell and convey to the said _____ heirs and assigns, all the said _____ hereinbefore mentioned, situate, lying and being as aforesaid; and also all and singular the right, title, interest, property, claim and demand whatsoever, of me, the said sheriff, by virtue of the writ of execution aforesaid, of, in, and to the same and every part and parcel thereof; to have and to hold all the said _____ in and by these presents bargained, sold and conveyed, and every part and parcel thereof, with _____ and every of _____ appurtenances unto the said heirs and assigns, to the only proper use, benefit and behoof of the said _____ heirs and assigns for ever, and to and for no other use, intent or purpose whatever.

In witness whereof, I the said sheriff have hereunto set my hand and the seal of my office, this _____ day of _____ in the _____ year of the reign of our Sovereign Lord _____ the _____ by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and

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Enclosure 4, in No. 1.

REPORT.

THE Special Committee appointed to inquire into the circumstances which preceded and accompanied the death of John Collins, who died in the common gaol of the district of Montreal, in the beginning of the month of December 1835, and also to inquire into the state of the said gaol; and to whom were referred that part of the message of His Excellency the Governor in Chief, of the 27th November 1835, which has reference to the state of the said gaol, with the documents relating thereto; and also copies of the proceedings at the inquest held on the body of the said John Collins, and of all correspondence between any public functionaries and the executive Government, since 1st December 1835, relative to the said gaol, have the honour to present the following Report:—

The documents laid before your committee, and the evidence which they have taken, leave no doubt as to the bad state of the common gaol of the district of Montreal, and the necessity of removing the prisoners into some other place where they can be better secured, and their physical and moral condition improved.

As the province, in order to accomplish this end, has expended a large sum of money in erecting a new gaol at Montreal, and as another committee of this House is instructed to institute an inquiry concerning this new establishment, your Committee do not consider themselves called upon to recommend those measures in this behalf, which cannot escape the attention of the committee in question.

Your committee first directed their inquiries to the condition and management of the old gaol in which prisoners are still confined in the district of Montreal, and next into the circumstances which preceded and accompanied the death of the said John Collins.

The laws under which we live are peculiarly humane. Whenever a question arises with respect to the death, from some sudden or extraordinary cause, of any member of society, the weakest as well as the most powerful,—the humblest as well as the most exalted individual in the community, is, in this respect, equally entitled to the protection and to the vigilance of the laws.

Your committee consequently, made it their object to ascertain whether the law had been violated or neglected; and in prosecuting their inquiry into the condition and management of the gaol, your committee endeavoured to obtain, and have obtained minute information with respect to the conduct and character of the gaoler and his turnkeys, the superintendence of the sheriff, the treatment of the prisoners, and generally with regard to the regulations adopted in the gaol.

According to the evidence taken before your committee, it appears that the gaoler, Edward Holland, is a man of a hasty and violent temper, addicted to profane swearing, and apt to get into a passion, for the most trivial cause, with those who visit the gaol.

The gaoler has two of his sons under him as turnkeys, whom the same witnesses have represented to your committee as worthless characters, and given to drunkenness and debauchery.

Such are the individuals to whom the care and safe-keeping of the prisoners in the gaol of Montreal are entrusted under the superintendence of the sheriff of this district.

This abuse alone would be sufficient to render that officer liable to censure, he being specially entrusted by law with the management of the gaol, even were it unaccompanied with other abuses and consequences, of the aggravated nature of which is proved by the death of the individual with respect to whom the present investigation has been called for.

Previously to the death of Collins, a new rule was observed in the Montreal gaol with respect to the distribution of the fuel in the prisoners' wards. This rule, which was established this year, consisted in only allowing the eighth part of a cord of wood for each large apartment in which the prisoners are confined. Formerly the fourth part of a cord was allowed for each of these apartments. This innovation, however, owes its origin to causes which your committee are unable to explain. Complaints were made on the part of the prisoners, but to no purpose. The death of Collins however seems to have shown the necessity of reviving the old regulation which had been discontinued, under the frivolous pretext that the prisoners consumed the wood given to them in making skewers, which they sold to the Montreal butchers. If it was deemed necessary to prevent the prisoners from employing their time in this way, the keepers of the gaol had other means of putting an end to this little traffic without resorting to so rigorous a measure as that of diminishing the usual quantity of fuel to such a degree as to expose them to the excessive cold of this climate.

The regulations observed in the Montreal gaol appear to your committee so vicious, that they deem it necessary to point out particularly that one under which the prisoners are confined in their cells, from eight o'clock in the evening, until eight in the morning, without fire, and almost without covering.

The prisoners are confined in large apartments, in each of which there is a stove placed nearly in the centre. Round these apartments are small rooms or cells, twelve feet square, in which the prisoners are shut up in the evening, at the hour above mentioned. The fires are then extinguished, and the prisoners are left for twelve hours exposed to the cold in cells not weather tight, and in an old building.

It was in one of these apartments that the said John Collins was confined on the 27th November 1835, under a warrant signed by James Millar, esq., justice of the peace, in which the said Collins was charged with being a vagrant, a public nuisance, and of disturbing the peace in the night.

Collins

Collins seems to have been taken to gaol in such a state of destitution and sickness, that he ought more properly to have been sent to another asylum. The physician of the gaol does not appear to have had any knowledge of the situation of this man until the evening previous to his death, for, in his report to His Excellency the Governor in Chief, on the 8th December 1835, no mention is made of Collins. The physician seems to have confined his attention, on the evening previous to Collins's death, to visiting him without affording him any relief. The following is the manner in which the prisoners confined in the same apartment with Collins, relate the circumstances preceding and accompanying the death of their companion in misfortune, in evidence by them given at the coroner's inquest:

They say, "The deceased, John Collins, occupied the same room with us, from the time he was incarcerated, about fifteen days ago. He was already unwell at the time he was taken to gaol. After that he complained of illness, and yesterday Doctor Arnoldi visited him; he however experienced no relief, and he died in that room this morning, (10th December) between one and two o'clock. He was very ill last night, when he was shut up in that room with the deponents, at eight o'clock, without fire, without a bed, without bed clothes, or any clothing, in a very cold night, and in a room very much open to the weather.

"The deponents say, that they have not a sufficient quantity of wood to heat the stove of which they are permitted to make use during the day; that the fire is put out every evening at eight o'clock; that they receive no warmth during the night; that the room in which they pass the night is not opened until eight o'clock in the morning, and that they are suffering from a total want of beds, bedding, fuel and clothing: they add, that the death of Collins must be attributed in a great measure to these privations."

This deposition given at the coroner's inquest contains facts which, in the opinion of your Committee, leave no doubt as to the culpable negligence of the public officers charged with the care and management of the gaol and of the health of its inmates.

This seems to be the conclusion to which the coroner's jury really came to. But here your committee must point out another violation of the law in the manner of recording the verdict rendered by the jury before the coroner.

Instead of entering the finding of the jury in the record of his proceedings, as he was bound to do, the coroner, according to the evidence of one François Pigeon, one of the jury, wished to argue with the jury respecting the opinion or verdict which they were giving. "The coroner appeared desirous of inducing the jury to find that the death of Collins was occasioned by severe privation, without adding that the gaoler and the physician were in fault. It was upon this point particularly that the coroner insisted, telling us to be on our guard; that it was hard that blame should be imputed to the gaoler and the physician. Thereupon I answered, that according to what we had seen and heard, it was impossible to blame any other than these officers." This evidence is corroborated by that of Pierre Jacques Beaudry, foreman of the jury.

Your committee are at a loss to understand how so formal a declaration was omitted to be recorded by the coroner. This circumstance of itself appeared to your committee deserving the attention of your Honourable House, for considerations upon the importance of which it would be doubtless unnecessary to enlarge.

According to the evidence received by your committee, the coroner did not confine himself to the neglecting his duty and pleading the cause of his colleagues, the other public functionaries; he, as well as the physician of the gaol, thought proper to make use of language which shows how little respect some officers of Government entertain for the powers whence they derive their authority. The following are the words which one of the witnesses states to have been used by the coroner in addressing the jury after having received their verdict: "This is what we get by the conduct of our good patriots and of our good governor, who make idle speeches and pass bills which are not half as much wanted as those for putting the gaol upon a proper footing, and for paying to the gaoler and the sheriff the money which is due to them." The witness adds, "These are not perhaps the exact words made use of by the coroner, Mr. Mondelet; but I am certain they contain the substance of the remarks made by him after having received our verdict."

The physician of the gaol, according to the evidence of Mr. Pierre Jacques Beaudry, stated at the coroner's inquest, "that it was time these things should be brought to light; that it was melancholy to see a man die in such a deplorable state; that it was the fault of our good governor and of the House of Assembly, who paid no attention to the applications which had been made to them for the support of the gaol; that notwithstanding the petitions presented by himself and by the sheriff, they had been refused: he hoped that this case would open their eyes. The coroner stated he coincided in this opinion, and said in presence of all the jurors that he hoped that a great change would take place, for it was high time."

The witness, Pigeon, was so suspicious of the conduct of this public officer (the coroner) that he took the precaution of making a memorandum in writing of the facts which he had witnessed, a few hours after he had been called upon to discharge the duty of a juror.

Your committee have deemed it important to submit, as the result of their investigation, that all the public functionaries connected with the Montreal gaol, including him whom the law called upon to discharge the solemn duty of coroner, have been guilty of a violation of their duty, and some of them of a want of a proper respect for the different branches of the Legislature.

Your committee must also call the attention of your Honourable House to the conduct of the sheriff of the district of Montreal, a public officer who is specially charged with the keeping and superintendence of the gaol; for in virtue of an Act passed in the 43d year of

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the reign of Geo. 3, c. 13, that officer is specially charged with the keeping of the gaol in his district.

It is to this public functionary then, the duty of superintending and managing the gaol is assigned, while he fulfils at the same time his civil function as sheriff. This officer is in the daily receipt of fees, the annual amount of which exceeds 2,000 *l.*, and, according to the evidence of Francis Perry, esq., heretofore deputy sheriff for the district of Montreal, and employed as chief clerk in the office of the sheriff of that district since the expiration of that statute, the sheriff was always in the habit of advancing, from his private funds, the sums required for the purchase of the fuel and bread required for the gaol. It was only when it was necessary to advance money for repairs and other purposes, exceeding 5 *l.*, that the authority of Government was required.

The sheriff of the district of Montreal appears, nevertheless, from the correspondence sent down to your Honourable House by the head of the executive, to have written on the 7th and 25th November 1835, to the civil secretary, begging him to lay before his Excellency the Governor in Chief, his application for an advance of 200 *l.* for the purchase of 100 cords of firewood, 50 pairs of blankets and 25 paillasses or bed cases.

Although there is no positive statute authorizing these advances, your committee must observe, that they cannot admit of any difficulty, and that similar disbursements made for an object of so urgent a nature, and for articles which are indispensably necessary for the maintenance and keeping of prisons, have invariably been sanctioned by your Honourable House. Your committee also believe that as your Honourable House have always made good such advances, you will willingly recognise the necessity of making them.

On the 8th December, 1835, the physician of the Montreal gaol renewed the application for an advance of money, and on the 10th of the same month the civil secretary transmitted to the sheriff of Montreal a warrant for 50 *l.* sterling, "for the purchase of indispensable articles of food and clothing for the temporary relief of the destitute prisoners." On the 16th December, 1835, the civil secretary transmitted to the said sheriff a warrant for a further sum of 150 *l.*, in order to enable him to provide for the immediate and indispensable wants of the prisoners. It is established, by the evidence of Mr. Perry, that a sum of 100 *l.* or 200 *l.* is the utmost which is due by the province to the sheriff of the district of Montreal, for advances made by him for fuel and provisions for the prisoners under his charge.

The said sheriff being interrogated by your committee, was unable to give positive answers to the questions put to him respecting the state of the prison under his charge, and the regulations therein observed. The following extract from his evidence will exhibit, in their true colours, the knowledge which this officer possesses in regard to the prison entrusted to his keeping, and the attention which he bestows upon it:

"Is there not a large apartment in the gaol containing several cells in which the prisoners are locked up during the night?—None are locked up during the night except those accused of felony.

"How long is it since the practice of locking up other prisoners than felons has been discontinued?—I am unable to state that from memory.

"Was it not the custom previously to the death of Collins, to lock up the prisoners in cells at eight o'clock in the evening, and not to let them out until the following morning?—I know nothing about it; I do not recollect.

"Was not Collins locked up in a cell, and was he not found dead in the same cell in which he had been shut up for the night?—I cannot answer positively; I went to the gaol and found him dead in a room in the building, the door of which was open.

"Are not the prisoners accused of minor offences also locked up?—If they are, I have no knowledge of it.

"Have you given orders to the gaoler not to shut up any of the prisoners in cells, except those charged with felony?—I have given no particular orders to the gaoler; there are general regulations which he is obliged to follow.

"What are these general regulations?—The general orders are to shut up the prisoners in cells at a certain hour.

"Do these orders include prisoners charged with minor offences?—The prisoners must be properly secured; there are no exceptions.

"You stated, in answer to a question, that none but those charged with felony were locked up during the night; you say now that there are no exceptions to the general order for locking up the prisoners; how do you reconcile these two answers?—The fact is, that I do not know which of them are locked up for the night. When the gaol is full, the prisoners must of course remain in the common apartment."

Further on, he is asked: "In what manner are the prisoners warmed during the night who are shut up in the cells in the large apartments?—A certain quantity of wood is given to them, and they keep up the fire during the night.

"How can the prisoners keep up the fire during the night if they are confined in cells, the doors of which are closed and bolted, and if the only stove which is in the large apartment is outside of these cells?—I believe they have access to the stove. I cannot answer all these questions from memory; they relate to localities.

"Are you well acquainted with the different apartments in the gaol, their relative situation, and the way and order in which they are kept?—My answer to the preceding question is an answer to this one.

"Have you visited the gaol sufficiently often to acquire a knowledge of these said "localities," and of the different apartments?—When I am there I know the localities perfectly well; but I cannot describe them from memory.

"Do

"Do you know at what hour in the evening the prisoners are locked up in the cells, and at what hour they are released in the morning?—I cannot answer, as I am not there at these hours."

Correspondence
respecting
Mr. Guky.

The foregoing extract from the evidence of the sheriff affords some idea of all his answers to the questions submitted to him. From the whole of his evidence, it is manifest to your committee that the sheriff has very lamely fulfilled his trust with respect to the superintendence of the gaol. His ignorance, or want of any accurate knowledge respecting matters intimately connected with the welfare of the unfortunate beings confined in gaol is palpable.

There is another point, however, upon which your committee was desirous of interrogating the sheriff, and with respect to which other witnesses have been examined, namely, the practice followed in the said gaol of chaining the prisoners accused of murder to a wall and loading them with irons even before trial.

Your Committee feel themselves bound to notice this fact as a violation of the first principles of the laws under which we live, and which always presume the accused to be innocent until a verdict of his countrymen has declared him guilty. This practice, according to the evidence taken before your committee, has not been uniformly followed. There is reason to fear, however, from the exceptions made, that the sheriff may have acted with partiality in administering this species of punishment, which is totally unauthorized by law. The danger of permitting a public officer to exercise any discretionary power in a matter of so delicate a nature, and which amounts to nothing less than punishing the accused and inflicting upon them a cruel species of torture previous to trial, needs only to be exposed in order to be deeply felt.

Your committee, with the view of obtaining some information upon the subject, submitted a few questions to the said sheriff, which appeared to your committee to be just and reasonable; and the sheriff, instead of answering them as he was bound to do, did, in the opinion of your committee, offer them an insult which they consider to be a breach of the privileges of your Honourable House.

The following extract from the evidence of the sheriff will bear out your committee in this allegation:

"What is the practice followed in the gaol with respect to those who are committed on a charge of murder; are they put in irons before trial?—They are put in irons at first, but almost in every instance we are induced by their subsequent good conduct to remove the irons. If the gaol were perfectly secure, we should never have recourse to such rigorous measures.

"Is that the rule generally observed in the gaol under your care?—That is the general rule; but there is no rule without exception.

"Have you occasionally made exceptions, and in what cases?—I have never been guilty of partiality. I have an unpleasant duty to discharge, and I execute it with all the humanity in my power.

"Have you always and invariably directed that those charged with murder should be put in irons before trial, until such times as an opinion could be formed of their conduct?—I cannot answer with respect to such details.

"Why cannot you answer respecting such details?—Because they are frivolous.

"Ordered, That the witness withdraw."

Your committee afterwards received the following letter addressed to the chairman; and having learnt from the latter the nature of the witness's request and his wish to recall the term (*oiseux*) "frivolous," which he had made use of, your committee transmitted to the witness, under the signature of the clerk of the committee, the answer whereof a copy follows the witness's letter:

Mr. Guky's Letter.

"Sir,

"I am desirous of making some slight alterations in the evidence given by me yesterday before the committee of which you are chairman; I beg therefore you will inform me at what time I can appear before the committee for that purpose.

"I have, &c.

(signed) "Ls. Guky."

"O. Perrault, Esq. M. P. P.

"House of Assembly, 11 January 1836."

Answer of the Committee.

"Sir,

"House of Assembly, Committee-room,

"Thursday, 14 January 1836.

"In answer to your letter addressed to the chairman of the committee appointed to inquire into the circumstances preceding the death of John Collins, and into the state of the Montreal gaol, I am commanded by the committee to inform you, that it is usual to accede to the request of witnesses desirous of making alterations with regard to the matters of fact contained in evidence which they may have rendered before a committee of the House; if, therefore, your object at present were only to correct any statement which you may have made to the committee, they would not at all object to it; but as the committee are informed that the alteration you are desirous of making has reference not to matter of fact or an error, but to an act of your own, which the committee considers to be a breach of the privileges of the House of Assembly, the committee cannot allow you to make any change in your answers which would have the effect of removing an offensive expression, without your offering to the House

Correspondence
respecting
Mr. Gagy.

of Assembly, and particularly to the committee, to apologize for an insult which the committee considers to be a violation of the privileges of the House of Assembly, and respecting which they feel themselves bound to report to the body to which they belong.

"The Hon. Ls. Gagy."

(signed) "I have, &c.
"Charles Turgeon."

In answer to this letter, your committee have since received the following letter, which they submit to your Honourable House with the foregoing :

"Sir,

"Albion Hotel, 16 January 1836.

"I have to acknowledge the receipt of Mr. Turgeon's letter in answer to the one which I had the honour to address to you expressing a desire to correct my evidence; in which letter Mr. Turgeon informs me that an act of mine is considered by the committee to be an insult, and that for that reason the committee does not grant the permission I solicited. As the only means now left to me, I address you again in order to assure you that I had not the smallest intention to violate the privileges of the House, or to give offence to the committee; and as I presume that Mr. Turgeon's letter has reference to the term "frivolous," (*oiseux*) used by me, I beg leave to assure you, as well as the committee, that I regret having made use of such an expression, and that I wish and earnestly solicit permission to retract it.

"My wish to go to Montreal, which place I am anxious to reach as soon as possible in consequence of sickness in my family, induces me to request as early an answer as possible.

"I have, &c.
(signed) "Ls. Gagy."

"O. Perrault, Esq. M. P. P.

"Chairman of the Committee on the death of J. Collins."

Your committee submit the following statement as a summary of their inquiry :—That notwithstanding the bad state of the gaol, there is no doubt that at the time of Collins's death, those who had the management of the gaol had the usual quantity of fuel and provisions sufficient for the proper maintenance of the gaol, and the preservation of the lives of the prisoners : That as the death of Collins must be attributed more especially to the want of one of these articles, according to the report of the coroner's jury, the officers whose duty it was to provide them for the inmates of the prison, have manifestly been guilty of unpardonable negligence : That the physician of the gaol has also been guilty of negligence in not attending to the health of the prisoners : That the gaoler, Edward Holland, is a man incapable of fulfilling his trust and unworthy of holding it; as are also his two sons who are employed as turnkeys : That the sheriff of the district of Montreal has not discharged the duty which the law has entrusted to him, and that in consequence of his want of knowledge of everything concerning the gaol, and the safe keeping and health of the prisoners, he is manifestly incapable of fulfilling the duties of that office : That the coroner of the district of Montreal has also violated his trust and the laws, and allowed himself, as did also the said physician of the gaol, to make use, on a solemn occasion, of unbecoming language, in contempt of His Majesty's Government, of his Excellency the Governor in Chief, and of your Honourable House.

The whole nevertheless humbly submitted,
16 January 1836.

C. Ovide Perrault, Chairman.

MINUTES OF EVIDENCE.

Thursday, 17 December 1835.—C. OVIDE PERRAULT, Esq., in the Chair.

Francis Perry, Esq., called in; and Examined.

WERE you not, under a late Act, deputy sheriff for the district of Montreal, and since the expiration of that Act are you not employed as principal clerk in the sheriff's office in Montreal, and have you not had frequent opportunities of visiting the common gaol for the district of Montreal?—I was deputy sheriff of Montreal during the existence of the late Act to regulate the office of sheriff. I am employed in the sheriff's office as principal clerk, and I have frequent opportunities of visiting the common gaol.

Under whose care and superintendence is the said gaol?—The sheriff and gaoler.

By whom is the gaoler appointed, and under whose orders does he act?—The present gaoler was, I believe, appointed by the administrator of the Government, and acts under the orders of the sheriff, magistrates and courts.

What is the quantity of fuel usually placed by the sheriff at the disposal of the gaoler for the prisoners under his custody?—The sheriff contracts annually, or as often as may be necessary, for firewood for the gaol. I believe there is seldom less than 50 cords delivered at a time, and at the gaoler's disposal.

What is the quantity of food usually placed by the sheriff at the disposal of the gaoler, for the prisoners under his care?—I believe the only food allowed by law to the prisoners is one pound and a half of bread *per diem*, and water: the bread is very regularly given, and the water is at all times within their reach.

Was there on or about the 9th December instant, the usual quantity of fuel and food at the disposal of the gaoler for the prisoners confined in the said prison?—There was, I believe,

Are

Are you well acquainted with the gaoler, Captain Holland?—I am.

What is his temper?—It is rather a hasty one.

Is not Mr. Holland a man of a violent temper?—His temper is rather violent.

Have you not heard frequent complaints against the gaoler on that account?—I have sometimes heard persons complain of his temper, but generally speaking, the prisoners, as well as debtors as criminals, give him credit for a goodness of heart and a kindness to them to the extent that is consistent with their safe custody.

Does the gaoler exercise his discretion in inflicting punishment on the prisoners whenever they are, in his estimation, noisy or troublesome?—There is no punishment except leg bolts inflicted on the prisoners, and that is only resorted to when they are turbulent, and when they injure the building, which they frequently do to a great extent.

How are the prisoners kept in the Montreal gaol: what is the extent of the apartments in which they are kept?—In large apartments generally. There are seven criminal wards with a few small rooms off each; there are also some apartments in the basement story, formerly used as a house of correction, and some cells in which persons under sentence of death are confined.

How are those apartments heated?—By large stoves.

Is there not a stove in each ward, on one side of which are the cells in which the prisoners sleep, and into which they are sent and the door locked at a certain hour of the night?—There is; the prisoners are confined in the rooms at, I believe, eight o'clock in the afternoon and the doors locked; in each door there is a grating to admit heat. I have invariably found the wards very warm.

How are the prisoners kept during the day, and how during the night?—There the prisoners are allowed to walk at large in the wards in which the stoves are placed during the day; at night they sleep in the small rooms above referred to.

Is any person employed to keep the stoves warm in each ward during the night?—The stoves are very large; the prisoners make large fires before they are locked up. I believe no person is employed to make regular fires at night. A large supply of wood sawed and cut up is at all times kept in the wards.

How is the heat admitted into the cells of the prisoners during the whole night?—Through the grating in the door.

At what hour in the morning are the prisoners permitted to leave their cells, and are they set at large in each ward?—At an early hour.

What is the usual allowance of straw and blankets furnished by the sheriff for the use of the prisoners?—When straw or blankets are required, the gaoler notifies the sheriff, who must apply to the governor for an authority to purchase them; the sheriff being prohibited from going to any expense exceeding 5 *l.* without such authority.

Has the sheriff been notified by the gaoler on or about the 9th of December instant, that straw and blankets were required, or at any time previous or since the said date?—The gaoler has demanded blankets and bed cases on or about the 1st December instant; and I have a knowledge that the sheriff immediately made a demand for the necessary authority, which had not been given up to the 11th instant.

When was the demand made by the sheriff for the necessary authority?—The demand was first made on one of the last days of the last month. I believe a second demand was subsequently made.

When was the sheriff prohibited from going to any expense exceeding 5 *l.*?—Some years back.

Have not the sheriffs the keeping of the gaols in their respective districts, and that by law?—I believe it is generally understood so.

Is not the gaoler more immediately under the orders of the sheriff for the custody and keeping of the prisoners?—He is.

Does the gaoler sleep in his apartments in the prison?—I believe he does.

Have you any knowledge of the circumstances which have accompanied the death of John Collins, who died in the gaol at Montreal on or about the 9th December instant?—John Collins was committed, I believe, as a common vagrant. Persons of this description are generally in a state of great destitution, and are most commonly persons whose constitutions have been ruined by drunkenness and debauch. I know nothing of the immediate cause of his death; there is no apartment set apart for the sick; invalids are, when their illness is serious, sent to one of the hospitals. I believe it has frequently occurred, that persons of Collins's description die in prison; to the best of my recollection, a very great portion of the deaths in the prison are of common vagabonds, such as he must have been.

How often does the sheriff visit the gaol?—Frequently.

Does the sheriff visit the gaol every week?—I cannot say; he often goes daily.

Do the magistrates often visit the gaol?—I have not known the magistrates visit the gaol in a body; individuals go there when required.

Is there a medical attendant for the prisoners, and are his visits regular to the gaol?—There is; I believe his visits are regular.

What is the name of that medical gentleman?—Dr. Arnoldi, senior.

Are you aware if Dr. Arnoldi visited the gaol when the deceased, Collins, was confined in it?—I believe so.

How large are the wards in which the prisoners are confined?—I believe they are between 30 and 60 feet long by about 30 feet wide in the whole.

At what distance are the cells in each ward from the stove?—In the centre of the space, say about eight or ten feet.

Correspondence
respecting
Mr. Gogy.

At what distance is the most remote cell from the stove?—I do not recollect; the stove is necessarily placed on a pavement prepared for it.

Is not the grate through which the heat is admitted in the prisoners' cells very small?—It must necessarily be small to prevent escape from the rooms.

If the prisoners are confined to their cells at eight o'clock in the evening, who keeps up the fire in the stove during the night?—I am not aware what arrangements are made for that purpose; I do not recollect a complaint from cold.

Friday, 18 December 1835.

Francis Perry, Esq., again called in; and Examined.

Was the deceased, Collins, brought sick to the gaol?—I do not know.

Was not Collins in the cell the most remote from the stove when he was found dead?—I do not know.

You have stated that the prisoners are permitted to leave their cells at an early hour of the morning, state at what hour?—I believe at eight o'clock.

What quantity of fuel and food was there at the time of Collins's death, at the disposal of the gaoler?—I do not know the exact quantity.

Was there a sufficient quantity of food and fuel at the gaoler's disposal, at the time of Collins's death?—I must suppose the gaol allowance was at his disposal.

Do you suppose that this man died from want of food and of fuel, and that the fault is to be ascribed to the gaoler?—As I stated above, I do not know the cause of Collins's death. I do not suppose the gaoler was in fault.

Have you any reason to believe that the usual allowance of bread was given to this man, and that there was a sufficient quantity of wood in the prison, and at the gaoler's disposal, to prevent the death of this individual by want of fire?—I have no reason to believe that the allowance of bread was withheld from this man, nor do I suppose the gaoler had no wood; I am nearly positive he had some.

Had you no opportunity of seeing, in front of the gaol, at the time of Collins's death, a large quantity of wood at the gaoler's disposal?—I had an opportunity, but I cannot recollect, not having supposed it would become a subject of inquiry.

What was the nature of the application made by the sheriff to the governor, in November last?—I suppose it was for an authority and warrant for the purchase of blankets and bed cases.

Was this application made in writing, or how?—I do not know.

What was the nature of the second application made by the sheriff to the governor, to which you have previously alluded?—The same as the first; it was, I believe, in writing.

When was this second application made?—I do not recollect; I believe it was early in this month.

Are you aware if any answers have been made to these applications?—I have been informed since my arrival in Quebec, that an answer to Mr. Gogy's application has been given.

When was that answer given?—I do not know.

What are the periods of Dr. Arnoldi's regular visits to the gaol?—I believe in the forenoon of each day, and as often as he may be sent for.

Unless required for some judicial services, are the magistrates in the habit of visiting the gaol?—No; I believe not.

Are not often the prisoners, when turbulent in the estimation of the gaoler, chained to the wall in a place called the black-hole, in the lower flat of the gaol?—The prisoners are sometimes ironed, and the irons fastened to a ring-bolt in the wall, when very turbulent; generally, they are allowed to walk about.

Who are employed as turnkeys in the gaol?—Two of the gaoler's sons with assistants, two men.

What is the character of these sons of the gaoler?—Their character as to many points is not good: they have been found faithful turnkeys.

Are they not addicted to liquor and debauch?—I believe they sometimes drink and debauch too much: one of the orders to the gaoler from the sheriff is, not to admit any spirituous liquors into the prison.

Have you not heard several complaints against them on that account?—They are disliked by many persons; the prisoners have not, to my recollection, made any complaint of them.

Are you not aware that the gaoler has been often compelled to incarcerate them with the prisoners?—The gaoler has, I believe, sometimes confined one of his sons for disobedience of his orders and commands; the younger of the two.

Has the sheriff advanced any and what sums of his own money towards procuring wood and food for the prisoners?—He has, to the amount of several hundred pounds, as I believe.

How were these sums advanced by the sheriff; was it not on the authority of Government?—Partly, and partly in the discharge of his official duties; the wood and other regular supplies for the gaol is paid for without a special order.

For what objects are these special orders required?—For the repairs of the prison, and generally for all things required above the expense of fuel, bread, and water.

To what does the prohibition of Government to expend more than 5*l.*, apply?—I believe the sheriff has always considered it applied to the purchase of every thing beyond the fuel, and bread and water.

Has the sheriff made any application to Government for advances to buy fuel and food for the prisoners?—I believe he has made application for the payment of his accounts generally,

generally, those for these things included. I am not aware that he ever made special application for advances for the purchase of these articles.

Who visits the gaol when the sheriff attends to his legislative duties in the legislative council?—I do.

How often do you then visit the gaol?—Very frequently.

Do you mean daily, weekly, or monthly?—I have no regular periods; very frequently in the absence of Mr. Gagy I go to the gaol several days successively. I always go when the gaoler or the prisoners require my presence.

You have stated also, that the sheriff visited the gaol frequently, and that often he went daily; are the committee to infer from that answer that the sheriff has no regular periods for visiting the gaol?—I believe the sheriff has no regular periods for visiting the gaol.

Does the sheriff visit the gaol daily, weekly, or monthly?—I cannot say; whenever he is required he goes there.

Do the judges of the Court of King's Bench ever visit the gaol?—Very seldom.

Can you give to the committee a return of the number of blankets that were at the disposal of the gaoler for the prisoners on or about the 9th of December instant, as also a return of the number of the prisoners at this period?—I can send it to the committee, and will do so.

Is it not the custom in the Montreal gaol to put in irons the persons accused of murder, and that previous to their trial?—Sometimes.

What is the rule followed in such cases, and to whose discretion are the prisoners left on such occasions?—I am not aware of any rule. The sheriff gives the orders in these matters.

Does not the gaoler also exercise a certain discretion in such cases?—He does.

Are persons accused of felony subject also before trial to this treatment?—I believe not.

Have not any and what sums of money been lately transmitted by the governor to the sheriff of Montreal for the use of the gaol?—I have understood that the governor has transmitted either money or an authority to the sheriff to purchase blankets for the prisoners to the amount of I believe 200 l.

What is the amount advanced by the sheriff for food and fuel, and for which he has not been reimbursed by government?—I believe it amounts to some hundred pounds, perhaps one or two; it being charged with the other items, I cannot state it exactly.

What are the annual expenses of the gaol?—I should suppose between 500 l. and 700 l.

Monday, 21 December 1835.

Mr. Amury Girod, Agriculturist, of Varennes, called in; and Examined.

WHAT are the facts which have come to your knowledge with regard to the state of the gaol at Montreal?—The facts which have come to my knowledge with regard to the state of the gaol at Montreal are few in number, but are not the less important, because my knowledge of them is not founded on my personal observation. In the month of January or February last, I learned that a man of the name of Kellerstein, who had been sent out of the country in pursuance of a sentence to that effect, had returned without permission, and was not recognized until after he had, by an act of great hardihood, materially aided in saving the cargo of the brig Sarah, which had run ashore and sunk during the preceding season in the port of Montreal. Without any trial, he was thrown into a dark, damp and unwholesome dungeon, so ironed as to have all his limbs paralyzed, badly fed, and worse treated; he was indebted solely to his robust constitution for being still alive at the period of which I am speaking. It appears that the public press called the sheriff to account for this inhuman (and, as many persons thought, illegal) conduct. A few days after the article above alluded to appeared in the Vindicator, the prisoner Lalanne, whom the sheriff suspected, if not of writing the article which had brought him before the tribunal of public opinion, at least of having furnished the information, requested the editor of the Vindicator, by a letter in that journal, to declare that he was not the author of the article complained of, because the sheriff had, in consequence of his said suspicion, thrown him into irons, and treated him with inhumanity.

What became of the said Kellerstein?—It appears that he is still in the Montreal gaol; at least the public papers mentioned him as one of those who attempted last summer to escape from the said gaol.

Monday, 4 January 1836.

The Honourable Lewis Gagy, a Member of the Legislative Council, called in; and Examined.

ARE you not sheriff of the district of Montreal; and is it not one of the duties attached to that office to take charge of the common gaol of the said district?—Yes.

Whom do you employ as gaoler of the said prison?—One Edward Holland.

How are the prisoners warmed and fed in the said gaol?—They are fed on bread and water, and warmed with excellent hard wood. They receive a great many donations from the charity of the public, and of the religious communities, more especially of the seminary, and from divers other persons.

What is the quantity of food and firewood at the disposal of the gaoler for the use of the prisoners?—The quantity of wood has never been limited, and they have never wanted for it. With regard to food, the Government has never, to my knowledge, made any other allowance to the prisoners than a pound and a half of bread.

Had the gaoler at his disposal, on or about the 9th December 1835, the usual quantity of food and fuel for the prisoners under his care?—Yes, abundantly.

Correspondence
respecting
Mr. Gagy.

Are you well acquainted with the gaoler, Mr. Holland; what is his character?—Mr. Holland is rather quick and passionate, but has an excellent heart, and is generally liked by the prisoners.

Is not Mr. Holland extremely quick and passionate?—He never, to my knowledge, allowed himself to proceed to excesses, that is to say, to blows.

Whom does the gaoler employ as Turnkeys?—He employs his two sons as turnkeys.

What is the character of his said two sons?—Their character is not good.

Why then have the said two sons of the gaoler continued to be employed as turnkeys?—Because, as I had not the means of paying them, I was unable to get rid of them. I have made it a condition, that when we take possession of the new gaol, they shall not be employed there.

How happens it that you have not the means of paying them?—Because I receive nothing from the Government.

How are the prisoners warmed?—In each room in which they are confined, there is a stove, and abundance of wood.

How is this stove placed?—It is placed in the room so as to diffuse the heat through it.

What is the size and description of the apartment in which the prisoners are confined?—I cannot tell the size of it.

Is there not a large apartment in the gaol containing several cells, in which the prisoners are locked up during the night?—None are locked up during the night except persons accused of felony, as far as I know; but I am not perfectly certain of this.

How long is it since the practice of locking up other prisoners than felons has been discontinued?—I am unable to state that from memory.

Was it not the custom, previous to the death of Collins, to lock up the prisoners in cells at eight o'clock in the evening, and not to let them out until the following morning?—I know nothing about it; I do not recollect.

Was not Collins locked up in a cell, and was he not found dead in the same cell in which he had been shut up for the night?—I cannot answer positively; I went to the gaol and found him dead in a room in the building, the door of which was open.

Are not the prisoners accused of minor offences also locked up?—If they are, I have no knowledge of it.

Have you given orders to the gaoler not to shut up any of the prisoners in cells, except those charged with felony?—I have given no particular orders to the gaoler. There are general regulations, which he is obliged to follow.

What are these general regulations?—The general orders are to shut up the prisoners in their cells at a certain hour.

Do these orders include prisoners charged with minor offences?—The prisoners ought to be properly secured; there are no exceptions.

You stated, in answer to a question, that none but those charged with felony were locked up during the night; you say now that there are no exceptions to the general order for locking up the prisoners; how do you reconcile these two answers?—The fact is, that I do not know which of them are locked up for the night. When the gaol is full, the prisoners must of course remain in the common apartment.

Why then, if you do not know whether the prisoners are locked up at night, did you answer to the fifteenth question, that none were locked up except those charged with felony?—I did not rightly comprehend the fifteenth question; all the prisoners are locked up, but those charged with felony with more particular care.

What do you mean by more particular care?—That the doors are shut upon them, and the bolts drawn.

Do you mean by this particular care, that those charged with felony are shut up at night in the cells which are round the large rooms or wards in the gaol?—I suppose so.

Do you think that the case is otherwise with the prisoners charged with minor offences, and that these last are exempted from being locked up in the cells at night, and allowed to remain at liberty in the large rooms?—I know nothing about it. These are matters of internal management which belong to the gaoler.

In what manner are the prisoners warmed during the night, who are shut up in the cells in the large apartments?—A certain quantity of wood is given to them, and they keep up the fire during the night.

How can the prisoners keep up the fire during the night if they are confined in cells the doors of which are closed and bolted, and if the only stove, which is in the large, apartment is outside of these cells?—I believe they have access to the stove. I cannot answer all these questions from memory; they relate to localities.

Are you well acquainted with the different apartments of the gaol, their relative situation, and the way and order in which they are kept?—My answer to the preceding question is an answer to this one.

How long have you been sheriff of the district of Montreal; and how long has the prison in question been under your care?—Since the year 1827.

Have you since that time frequently had occasion to visit the gaol?—Yes; I have visited the gaol frequently, but not at fixed times.

Have you visited the gaol once a day, once a week, or once a month?—I have just said that I had no fixed times. I visited the gaol whenever my presence was necessary, or I thought it was.

Have you visited the gaol sufficiently often to acquire a knowledge of these said "localities," and of the different apartments?—When I am there, I know the localities perfectly well; but I cannot describe them from memory.

Do you know at what hour in the evening the prisoners are locked up in the cells, and at what hour they are released in the morning?—I cannot answer, as I am not there at these hours.

Are there not any regulations on this subject made by you and followed by the gaoler?—The same regulations which were made by my predecessor in office are continued in force.

Are these regulations reduced to writing?—I believe they are.

Have you a copy of these regulations?—No.

Who has a copy?—I suppose the gaoler may have one.

Have you ever seen or read these regulations?—Certainly I have read them.

Can you recollect the provisions they contain, and state them to the committee?—No; I cannot do so from memory.

Could you furnish the committee with a copy of these regulations?—I can, if I am allowed sufficient time, furnish a copy of these regulations.

Could you between this time and the 12th instant procure for the committee this copy of the regulations of the gaol?—Yes, I will do so, if possible, within that period.

Have you any knowledge of the circumstances which preceded and accompanied the death of John Collins?—I have no personal knowledge of the circumstances which preceded his death. I learned from the gaoler that he was dead, and ordered the latter to inform the coroner without delay.

Within how many days before the death of this man did you visit the gaol?—Two or three days. I cannot say whether the said Collins was or was not in gaol at that time.

In what do your usual visits to the gaol consist?—In informing myself of the number of prisoners, of the casualties which may have occurred since my last visit, and of all other matters relative to the gaol with which it is necessary that I should be acquainted.

That would suppose a general knowledge of the state of the gaol and of those confined in it; could you communicate to the committee the knowledge you possess, that is to say, the way and order in which the apartments in the gaol are kept, the rules followed with regard to warming the prisoners and providing food for them, and to their safe custody during the night?—I know that the apartments are not kept as I could wish, for want of funds. The rule with regard to fuel, is to keep them reasonably warm; and they have the food above mentioned. There are sentries in the interior of the gaol.

To what do you attribute the death of John Collins?—Principally to drunkenness.

Did you see this man while he was alive?—I am not sure that I ever saw him.

Do you attribute the death of this man to the want of fuel and food in the gaol?—Most assuredly it was not owing to want of fuel; nor do I attribute it to want of food.

Did the gaoler explain to you the cause to which he attributed the death of this man?—Both the gaoler and the physician of the gaol told me that it was owing to his drunkenness.

Who is the physician of the gaol, and how often does he visit it?—Daniel Arnoldi. I have reason to believe that he goes there every day.

Is it not the custom for the physician of the gaol to send the sick prisoners to one of the hospitals of the city?—They are sent there when the people of the hospital are willing to receive them; and I have frequently sent them to the general hospital in my quality of one of the governors of that institution.

Have you thus sent sick persons whenever you have been made acquainted that they were sick?—I have sent them whenever I have thought that they would be admissible.

Were you informed of the sickness of John Collins previously to his death?—I was informed of it the evening before, but too late to take any steps for conveying him to the hospital; and the next day he was dead.

Who gave you that information?—The gaoler.

What is usually the quantity of wood at the disposal of the gaoler, and the quantity annually consumed in the gaol?—When Collins died, there was about 18 cords at the disposal of the gaoler; and the quantity consumed annually is, I think, from 200 to 250 cords.

Who furnishes you with this wood; is it furnished under contracts given to the lowest bidder after public advertisement?—It is furnished by a private contractor of the name of Glasford; the contract is given without public advertisement.

Was the deceased, Collins, sick at the time he was committed to Montreal gaol?—I have reason to believe he was.

Who informed you of that circumstance, and how long before Collins's death were you aware of it?—I was not informed of it until the day before, or the day but one before his death.

Did not Collins die in the cell furthest from the stove, in which cell he had been locked up the evening before?—I am not able to answer that question.

In what condition were the windows of the apartment in which this man died?—I have reason to suppose that the windows in the apartment in which this man died were in good condition; the weather was such at that time that it would have been impossible to live in the cells if the windows had been in bad order; I have never heard that they were in bad order at that particular time.

Had you occasion to examine the windows before the death of Collins, and when?—I did not examine them; I did not suppose it necessary to do so.

Had it ever come to your knowledge that prisoners, other than those accused of felony, have been confined in cells or irons?—That may have happened; the prisoners are sometimes so violent in their conduct that we are obliged to use coercion.

Does Mr. Holland act at his own discretion with regard to the punishment of prisoners?—The gaoler or keeper of the prison has no penal jurisdiction except according to the necessity of the case.

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Do the magistrates visit the gaol?—I do not know whether they do. I have, however, seen some of them there sometimes; but I think they go at the special request of the prisoners.

Do the judges of the Court of King's Bench frequently visit the gaol?—I have no knowledge that they go there; except in one particular case which occurred lately, when the chief justice went there at the special request of the prisoners. I accompanied him on that occasion.

Thursday, 7 January 1836.

Mr. François Pigeon, Tavern-keeper, of the City of Montreal, called in; and Examined.

WERE you one of the jurors at the coroner's inquest held at Montreal on the 10th of December last, on the body of John Collins, who died in the gaol in that city?—Yes.

Do you know where and how that man came by his death?—In the gaol of Montreal; Collins died of hunger and cold, according to the finding of the jury.

How was the jury who returned that verdict chosen?—The jury was composed by six or seven individuals who happened to be in my house when the coroner summoned them, of three debtors confined in the gaol, and of two other individuals, the two Messrs. Beaudry.

What were the other proceedings of the coroner?—We visited the body of the deceased. The upper part of his breast and his neck were extremely black. According to the evidence we heard, Collins after having been brought to the gaol complained frequently of a sore throat. After we had heard the evidence, we returned the verdict in question.

Did the coroner make any and what remarks while the jury were sitting, to ascertain the cause of this man's death?—When we gave our verdict, in which we inculpated the gaoler and the physician, the coroner remarked, that we ought to take care what we did; that he (the coroner) found it hard that we should wish to inculpate the gaoler as well as the physician; that they (the jury) might find that the gaol was in bad order, and that the prisoners suffered from cold, without attributing the fault either to the gaoler or to the physician: that the gaoler was under oath, and that it appeared that he had furnished wood according to the orders he had received. I persisted in causing it to be recorded in the verdict, that Collins died of cold, and in consequence of want of care on the part of the gaoler and of the physician. The coroner consented to record this in the verdict, but said that it appeared to him to be hard, and that they (the jury) ought to take care what they were doing. The coroner did not read the verdict to us; but after having received our finding, he said, "This is what we get by the conduct of our good patriots and of our good governor, who make idle speeches and pass bills which are not half as much wanted as those for putting the gaol upon a proper footing, and for paying to the gaoler and to the sheriff the money which is due to them." These are not perhaps the exact words made use of by the coroner, Mr. Mondelet; but I am certain they contain the substance of the remarks made by him after having received our verdict.

What remarks did Dr. Arnoldi make at the said inquest?—The Doctor said that he had found Collins very ill the day before his death, and that he had ordered that he should have some soup. I remarked to Dr. Arnoldi upon this, that he ought to have sent the deceased to the hospital when he found him in great danger, and that he should have sent for the minister or the priest. The coroner thereupon said, "Do you know whether the doctor was bound to do that." I replied, that whether he was bound or not, it seemed to me that charity ought to have induced him to do it.

Who was the foreman of the jury?—I was told that it was Mr. Pierre Jacques Beaudry; but I did not see him sworn, for which reason I cannot positively say he was the foreman.

Were the jurors unanimous in their verdict?—I myself asked the other jurors whether their opinion was the same as mine, and they answered in the affirmative.

Do you remember the verdict in substance?—We said that we found the gaol in bad order, and that there had been a want of care on the part of the gaoler, who, according to the evidence given before us by the prisoners, gave them but little wood to warm their apartments. Their evidence proved that the prisoners frequently asked the gaoler for wood, and that he told them to go to the devil; that at six o'clock in the evening he brought them two small sticks of wood to put into the stove, and that at eight o'clock the embers were covered up, after which the prisoners were taken and shut up in a cell until eight or nine o'clock the following morning; that in this cell they had an empty mattress to lie on, and a small blanket for three prisoners. We therefore stated in our verdict that we attributed the death of the prisoner to the bad order which prevailed in the gaol, and to the want of care on the part of the gaoler, and that we found the physician in fault for not having rather sent the prisoner to the hospital, and for not having sent for a minister or priest to attend him.

Read the following declaration: "That the deceased has no marks of violence upon his body; he died through the want of food, and by cold and misery; he had in his prison neither clothes, bed, nor any covering by which he could keep himself warm; nor had he even any straw on which he could lay down." Is that what you returned to the coroner as your verdict?—No; it was as I have stated it. On the same day I took the precaution to write the following memorandum, to enable me to remember the coroner's proceedings. I communicated this memorandum to several of the jurors, and among others to Pierre Mathurin, Eustache Arcan, Léon Bricault, and Pierre Beauchamp, who all found it to contain the truth; it is in these terms: "We (twelve jurors) were requested to go to the gaol to view a dead body; we found the dead body, and to the best of our knowledge, and according to the evidence we received, we found the prison in very bad order, and that the prisoners complained of want of care on the part of the gaoler, who allowed them to freeze with cold; and that he

scarcely

scarcely gave them wood enough for the day; that at six o'clock in the evening he brought them two small pieces of wood; at eight o'clock the embers were covered up and remained so until eight o'clock in the morning, and that the prisoners were put into a room where they were shut up without seeing either fire or stove, with an empty mattress and a small blanket to cover three persons; and that they were not let out of this room until eight or nine o'clock in the morning. We also found, to the best of our knowledge, and according to the evidence presented to us, that this was enough to cause his death; and we found that the physician was in fault for not having sent him to the hospital, since he thought him in great danger, and also in not sending for a priest or minister to attend him. The coroner did not read our verdict over to us, and did not make us sign it, and I doubt whether he wrote it down as we returned it."—Such is the memorandum which I drew up on my return after the inquest on the death of John Collins.

Why were you induced to make this note of the coroner's proceedings?—Because the coroner appeared to hesitate to take down our verdict as we returned it, and I made the memorandum because I thought it singular that the coroner did not read the verdict to us. Some of the other jurors and other persons being of the same opinion as to the singularity of the proceedings of the coroner, I made the memorandum in question.

William Burns Lindsay, Esq., Clerk of the House, called in; and Examined.

HAVE you in your possession the copy of the proceedings of the coroner on the body of John Collins, transmitted to this House by his Excellency the Governor-in-Chief?—No.

Has this copy been missing?—I am informed by the clerk of the committee that these papers are wanting.

Friday, 8 January 1836.

Mr. François Pigeon, again called in; and Examined.

WHO summoned you to be a juror at the coroner's inquest?—The coroner himself, who came to my house to summon me as a juror.

In what state did you find the gaol and the apartment where the body of John Collins was?—I found the prison in a bad state, and the apartment where Collins was in very bad order.

Did the prisoners complain to you of the gaoler and of the treatment they received from him?—When I went into the gaol, the prisoners who were on the same floor with the deceased called me, and told me unanimously to call them forward, for that they had many complaints to make against the gaoler. They added that the gaoler made them suffer a great deal from cold by not giving them the quantity of wood necessary to warm them.

Do you know the gaoler of the Montreal gaol, and have you had occasion to see him, and to visit the gaol frequently?—I know the gaoler; I have had occasion to see him, and to visit the gaol sometimes.

What is the character of the said gaoler?—This man is far from enjoying an excellent reputation; he is reputed and generally known to be a violent and passionate man, and I have heard complaints against him, not only on the part of the prisoners, but also from a great number of persons who have had occasion to go to the gaol; and I have frequently, while passing through the street in front of the gaol, heard the gaoler raging and swearing.

Do you know the two sons of the gaoler?—I know one of them, the youngest.

What is the character of this young man, the one whom you know?—He is a young vagabond and a debauched fellow.

Is not this young man employed in the gaol?—Yes.

Can you describe the apartment in which you found Collins dead?—There are in each story of the gaol four large apartments or wards in which the prisoners are confined, and within each of these apartments there are cells or small rooms. In each of these large apartments there is a large stove; the cells communicate by doors with the large apartments; it was in one of these cells that we found the body of the deceased Collins.

Are you very certain that the memorandum you made of the coroner's proceedings is correct?—Yes; I made it immediately after I left the gaol, for the singularity of the coroner's proceedings had struck me, and I was in doubt whether he would record the verdict exactly as we rendered it.

Did the whole conduct of the coroner appear to you to be directed to prompt the jury from throwing any blame on the gaoler and physician or imputing any fault to them?—Yes, certainly: the coroner appeared desirous of inducing the jury to find that the death of Collins was occasioned by severe privation, without adding that the gaoler and the physician were in fault. It was upon this point particularly that the coroner insisted, telling us to be on our guard; that it was hard that blame should be imputed to the gaoler and the physician. Thereupon I answered, that according to what we had seen and heard, it was impossible to blame any other than these officers.

Are you certain that this was the unanimous opinion of the jury?—I am certain that the other jurors partook this opinion, for I asked them the question and they told me so. It was at their request that I spoke and addressed the coroner.

What was Mr. Pierre Jacques Beaudry doing while you had this conversation with the coroner?—He was present, and he took very little part in the proceedings, so little that I doubted whether he was on the jury, as I had not seen him sworn. There were some other persons mingled with the jurors who were present. We (the jury) retired to a little distance, and after having conferred together, I went to announce our opinion or verdict to the coroner, on behalf of the other jurors, who had deputed me for that purpose. It was at this time that the coroner wished to enter into an argument with me on the opinion or verdict we were

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giving. I am sure that at this moment Mr. Pierre Jacques Beaudry was among the jurors and near me. He did not appear to differ from us. When the coroner asked the jury whether they were unanimous in the verdict they had returned, I am sure that several of the jurors said loudly—"Yes." I do not know whether they all answered "Yes," but I am certain that no one expressed dissent.

Francis Perry, Esq., again called in; and Examined.

CAN you furnish the statement of the number of prisoners and blankets required by the committee on a former examination?—I produce the same.

Return of the Number of Prisoners and Blankets in the Montreal Gaol, on the 9th December last, as given by the Gaoler.

Prisoners	-	-	-	84		Blankets	-	-	-	54
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Mr. Joseph Gallipot, called in; and Examined.

WHAT is your name, surname, profession and place of residence?—Joseph Gallipot labourer, of the city of Montreal: I am employed at the Montreal gaol to take in wood, and saw it, and I have frequently charge of the keys of the gaol, and perform other duties, according to the orders of the gaoler.

In what state was the said gaol on the 9th of December last, and in what state is it at the present time?—In a very bad state.

To what cause do you attribute that?—The gaol is too old and is falling into ruin.

Is the gaol kept by the gaoler as it ought to be?—The gaoler does his utmost in that respect.

How does the gaoler treat the prisoners?—Rather brutally.

What is the character of the gaoler?—He is extremely quick and passionate.

Are there not a number of women of bad character confined in the gaol?—Yes; when I left Montreal there were 37.

What is the conduct of the gaoler and his sons with regard to those women?—The gaoler behaves very well with regard to them; it often happens that his sons go into the apartment where these women are and play with them. I never saw them do anything wrong.

What is the character of the gaoler's said sons; how many are there of them, and what do they do in the gaol?—The gaoler's said sons are two in number; they are debauched vagabonds; they are of bad character; they are turnkeys; they amuse themselves, however, for the most in playing, getting drunk, or in rambling about.

Have you heard any complaints on the subject of the gaoler or his two sons?—Many persons complain of the rude way in which the gaoler receives them when they visit the gaol. With regard to the gaoler's sons, I have heard many complaints.

Did the prisoners, before the death of Collins, complain of the want of wood and of fire in their apartments?—The prisoners have several times asked for wood and complained. The gaoler was not willing to accede to their demands, saying, that the prisoners used the wood to make skewers, which they sent to be sold in the market; for this reason the prisoners were limited in their allowance of wood.

Was there on or about the 9th of December last a certain quantity of wood at the disposal of the gaoler for the use of the prisoners?—There were about 15 or 20 cords; sufficient for the use of the gaol.

What is the usual quantity of wood at the disposal of the gaoler for the use of the prisoners?—The wood is brought to the gaol by 30 or 50 cords at a time; there is never any want of wood.

What is the quantity of wood allowed to the prisoners for each apartment?—In very cold weather about a quarter of a cord of wood is allowed to them.

Has this rule always been followed?—This rule has always been followed, except during the present year. Before the death of Collins only about half a quarter or an eighth of a cord of wood, sawed fit for the stove, was carried to the prisoners. Since the death of that man the quantity has been increased one-half. The prisoners have not complained since we have followed the old rule.

Why was the old rule departed from this year?—I do not know why. The gaoler told me that it was because the sheriff had not money to buy wood, and that it was necessary to be sparing of it; there was also some talk of removing to the new gaol, and in that case it would have been necessary to convey the wood from the old gaol to the new one.

Was there not always at the disposal of the gaoler in the prison-yard so much wood that the sheriff even caused a quantity to be taken out of it and carried elsewhere?—Yes.

Do you know that wood was taken from the gaol and carried elsewhere; to whose house, and in what quantity?—The wood which was taken from the gaol and carried elsewhere did not belong to the gaol; it was wood which the sheriff told me belonged to him, and which he had caused to be placed in the prison-yard.

Have you any knowledge of the circumstances which preceded and accompanied the death of John Collins in the said gaol; relate them in detail?—Collins was brought to gaol in a very bad state; he was a drunkard, burnt up by liquor. At the time he was imprisoned there were no blankets for him. Fourteen prisoners were brought into the gaol a few days before his death. Collins was confined in one of the large apartments, or ward No. 4. He did not complain of being ill when he was brought in; I think he was a couple of weeks in gaol before he died. Some days after he came into gaol Collins complained that he was ill; the doctor looked at him; I do not know whether the doctor administered any remedies to him

him

him. On the day he died his death was announced to me on my arrival at the gaol in the morning. I think that this man, from the state he was in when he came into the gaol, and the little care that was taken of him in gaol, died of privation.

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Monday, 11 January 1836.

Mr. Joseph Gallipot, again called in; and Examined.

Is it not usual when prisoners are as ill as Collins was to send them to one of the hospitals at Montreal?—Yes, it is the practice followed at the Montreal gaol; but in order to do this the certificate of the physician is necessary; and as the physician of the gaol is himself a magistrate, he has the power of sending the prisoners to the hospital when he thinks it necessary.

Do you think that Collins's illness, some days before his death, was such that he ought to have been sent to the hospital?—I did not pay much attention to Collins's illness, nor do I exactly know whether he was very ill or not; all that I know is that he complained very much of a sore throat some days before his death.

In what apartment or ward of the gaol was Collins confined; have the goodness to describe it, and say how it was warmed?—Collins was in one of the large apartments, or ward No. 4. There are in the first and second stories of the gaol eight of these large apartments, four in each story; they are warmed by a large stove in the middle of the apartment; there were three cells in the apartment in which Collins died; these cells are shut up in the evening by a door with a very small grating in it; Collins died in one of these cells; the one nearest to the stove; the middle one. These cells are small rooms of 12 feet square, and are lighted by windows of about seven feet by four; the squares of glass are 8 by 10.

In what order was the cell in which Collins died?—In bad order; the window was in a bad state; a great deal of cold air came in by the lower part of the window.

Had the bad state of this window been pointed out to the gaoler or to the sheriff; did the prisoners complain of it, to your knowledge?—Not to my knowledge.

What is the rule followed with regard to the prisoners, in as far as relates to the warming of the apartments in the night?—There is no fire; they are shut up in their cells at eight o'clock in the evening in winter, and at nine in summer. When the prisoners are locked up at night the ashes are thrown over the fire to prevent accidents; when there is too large a quantity of hot ashes the fire is put out by throwing water on it. The prisoners are consequently without fire from eight in the evening till eight in the morning. They are even obliged to put out their candles for fear of accidents. The prisoners are divided among the said cells. In the cell in which Collins died they had only one small blanket among three to cover themselves with.

How many prisoners were shut up with Collins in his cell?—Two.

Did these two prisoners complain of cold in that cell?—Yes; one of them was sick; but after the death of Collins the doctor sent him to the hospital. This man did not appear to be so ill as Collins.

Has the treatment of the prisoners been changed since the death of Collins?—Much.

In what?—A blanket and straw mattress has been given them for every two men; and the quantity of wood has been doubled.

At the time of Collins's death were the blankets unequally distributed?—Blankets were given to all those to whom it was possible to give them; there were not enough for all the prisoners.

Where were you the day before Collins's death?—At home. I had hurt one of my hands, and did not go to the gaol until the day after (the 10th of December); it was then that I learned the death of Collins; I had seen the latter a day or two before his death.

Were you present at the coroner's inquest?—No; I was afraid I should be called as a witness, and should be asked too many questions about the state of the gaol, and I refrained from going there.

Does the sheriff, Mr. Gagy, frequently visit the gaol?—Sometimes once a week, and sometimes once a fortnight.

In what does his visit consist?—In asking the gaoler whether there is anything new.

Does the sheriff himself visit the wards or apartments in the gaol?—No; if he is told that there is nothing new he goes away again; but if he is told that there is anything broken, that is to say, if any of the prisoners have tried to cut away any of the bars, or to make any holes in order to escape, he then goes himself to look.

But does the sheriff visit the apartments when he is told that the prisoners suffer from cold and from the bad state of the windows?—No.

What does he do in this last case?—If the prisoners complain of cold, or that there is any opening in the windows, he contents himself with telling the gaoler to send for the man who does the work of the gaol.

Does the gaoler exercise his own discretion with regard to punishing the prisoners or putting them in irons?—Yes.

Does he ever put the prisoners in irons before they have undergone their trial?—That sometimes happens when the prisoners make any attempt to escape, and sometimes when they are charged with murder.

You say that prisoners charged with murder are sometimes put in irons before their trial; have any exceptions been made with regard to this?—There have been exceptions.

Can you recollect these exceptions?—I have been about the gaol for six years; during the last two years I recollect the following prisoners accused of murder who have not been

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put in irons before trial: Gagnon, Goodman, Desrochers, Isaac Jones and his brother, charged with the murder of Marcoux.

Do you also recollect the prisoners charged with murder who have been put into irons during the last two years?—Yes, I recollect them: Dewey, Walsh, (from the townships) Joseph Monarque and François Chapleau; the two last were in irons for a certain time. Their irons were afterwards taken off in consequence of a representation made by the grand jury at the court of quarter sessions held in April last.

Do you know Lalanne; is he one of the prisoners confined in the Montreal gaol, and how many times has he been put in irons?—I know Lalanne, who was one of the prisoners confined in the Montreal gaol; he went out last autumn; he was put in irons twice while he was in gaol; the first time after sentence of death had been pronounced on him, and the second time for having made a hole with the intention of escaping.

Was this Lalanne put in irons on another occasion, at the same time with one Kellerstein?—When Lalanne was put in irons the first time it was at the same time that Kellerstein was in irons.

How are the prisoners chained?—They are chained to a large ring fixed in the wall, by a chain three feet long, to which the prisoner is fastened by both feet, so that he can lie down, sit or stand up, but he cannot move except through a very small space.

Do you know Mr. Pierre Jacques Beaudry, one of the jurors on the coroner's inquest; what is his connexion with the gaoler?—I know Mr. Pierre Jacques Beaudry; he is the intimate friend of the gaoler, and does his writing for him. The gaoler's sons told me that he had 40s. a month for performing this duty. Mr. Beaudry only performs this work at odd hours, because he is one of the prothonotaries' clerks.

Wednesday, 13 January 1836.

The Honourable *Lewis Gagy*, again called in; and Examined.

HAVE you the copy of the regulations of the gaol asked of you at your last examination?—Yes; I produce it.

To what person in the gaol is the punishment of the prisoners left when they are disorderly or break the peace?—I cannot answer this question, because I am not always at the gaol.

By whose order are the prisoners sometimes put in irons?—Sometimes by mine, on reports made to me of their bad conduct; and sometimes the gaoler uses his discretion, and subsequently makes his report, according to the urgency of the case.

What is the practice followed in the gaol with respect to those who are committed on a charge of murder; are they put in irons before trial?—They are put in irons at first, but almost in every instance we are induced by their subsequent good conduct to remove the irons. If the gaol were perfectly secure, we should never have recourse to such rigorous measures.

Is that the rule generally observed in the gaol under your care?—That is the general rule; but there is no rule without exception.

Have you occasionally made exceptions, and in what cases?—I have never been guilty of partiality. I have an unpleasant duty to discharge, and I execute it with all the humanity in my power.

Have you always and invariably directed that those charged with murder should be put in irons before trial, until such time as an opinion could be formed of their conduct?—I cannot answer with respect to such details.

Why cannot you answer respecting such details?—Because they are frivolous.

Ordered, that the witness withdraw.

Thursday, 14 January 1836.

The chairman informed the committee that the following letter had been handed to him yesterday, in one of the passages of the House, by Lewis Gagy, esq., sheriff of the district of Montreal, and a witness before the committee on Wednesday the 13th instant; and that the said *Lewis Gagy* told him verbally that he wished to alter the word "frivolous" (*oiseux*) used by him in the last answer he gave at his last examination:

"Sir,

"I am desirous of making some slight alterations in the evidence given by me yesterday before the committee, of which you are chairman; I beg, therefore, you will inform me at what time I can appear before the committee for that purpose.

I have, &c.

"O. Perrault, Esq., M. P. P. House of Assembly,
11 January 1836."

(signed "*Lewis Gagy*."

Ordered,—That the clerk attending this committee do transmit the following answer to the said *Lewis Gagy*, esq.:

House of Assembly, Committee Room.

"Sir,

Thursday, 14 January 1836.

"In answer to your letter addressed to the chairman of the committee appointed to inquire into the circumstances preceding the death of John Collins, and into the state of the Montreal gaol, I am commanded by the committee to inform you, that it is usual to accede to the request of witnesses desirous of making alterations with regard to the matters of fact contained in evidence which they may have rendered before a committee of the House; if, therefore,

therefore, your object at present were only to correct any statement which you may have made to the committee, they would not at all object to it; but as the committee are informed that the alteration you are desirous of making has reference, not to matter of fact or an error, but to an act of your own, which the committee considers to be a breach of the privileges of the House of Assembly, the committee cannot allow you to make any change in your answers which would have the effect of removing an offensive expression, without your offering to the House of Assembly, and particularly to the committee, to apologize for an insult which the committee considers to be a violation of the privileges of the House of Assembly, and respecting which they feel themselves bound to report to the body to which they belong.

"I have, &c.

(signed) "Charles Turgeon."

"The Honourable Lewis Guky."

Saturday, 16 January 1836.

Mr. *Pierre Jacques Beaudry*, Clerk in the Office of the Prothonotaries at Montreal, called in; and Examined.

WERE you one of the jurors at the coroner's inquest held on the body of John Collins at Montreal?—Yes.

What was the verdict of the jury?—That John Collins died for want of necessaries, such as a mattress, straw, blankets, wood, and the allowance usually made to persons in his situation, such as soup, meat, &c. and by reason of the bad state of the gaol.

Was Mr. François Pigeon also one of the jurors?—Yes.

Had Mr. Pigeon any conversation with the coroner on the subject of the verdict returned by the jury?—Yes.

Did you hear this conversation; state it in detail to the committee?—The conversation was to the effect, that the fault and neglect committed in not sending for a priest or a minister were to be attributed to the officers of the gaol.

Did not Mr. Pigeon speak at that time as the organ of the jury?—The jurors were all of that opinion, and Mr. Pigeon only spoke as their organ.

Did not Mr. Pigeon also tell the coroner that the jury found that the gaoler and physician were in fault, and did the coroner thereupon address any answer to Mr. Pigeon?—Mr. Pigeon remarked to the coroner that the jury found that the gaoler and the physician were in fault; Mr. Pigeon even wished that this should be taken down in writing; but the coroner replied that we were called to decide upon the death of Collins, and not upon the responsibility of the gaoler or of the physician.

Read the following question put to Mr. Pigeon, and his answer:—"Did the whole conduct of the coroner appear to be directed to prompt the jury from throwing any blame on the gaoler and physician, or of imputing any fault to them?—The coroner appeared desirous of inducing the jury to find that the death of Collins was occasioned by severe privation, without adding that the gaoler and the physician were in fault. It was upon this point particularly that the coroner insisted, telling us to be on our guard; that it was hard that blame should be imputed to the gaoler and the physician. Thereupon I answered, that according to what we had seen and heard, it was impossible to blame any other than these officers." Is this the conversation which you heard between Mr. Pigeon and the coroner, and can you corroborate what he states?—To the best of my knowledge, that is the conversation which Mr. Pigeon had with the coroner; and the facts stated by Mr. Pigeon are true, to the best of my knowledge.

Did not Mr. Pigeon insist that this opinion expressed by the jury should be recorded in the verdict?—Yes; the coroner said we ought to take care, and not to bring an accusation against the officers; that there were other authorities to look after these things; that it was not the business of the jury.

Did the jurors unanimously partake the opinion of Mr. Pigeon?—Yes; we were all unanimous.

How happened it that Mr. Pigeon spoke to the coroner; was he the foreman of the jury?—He was not foreman of the jury, I was the foreman; but out of consideration for his age, and because he was evidently anxious to find out the truth on all sides of the question, I was unwilling to prevent his speaking, and he addressed the coroner on behalf of the jurors, who were all of the same opinion, and consented that Mr. Pigeon should apply to the coroner and demand that the verdict should be recorded in the manner in which Mr. Pigeon wished that it should be.

Do you know whether the coroner read over the verdict as he had recorded it; are you sure that all the jurors heard it read?—The coroner read the verdict as he had recorded it, in English and in French; but I cannot say whether all the other jurors heard it read, although they were near enough to that officer to hear it.

Are you sure that Mr. Pigeon heard the verdict read by the coroner?—No, I cannot say that he heard it; but he might have heard it. Mr. Pigeon and some of the other jurors were at that moment pre-occupied with the refusal of the coroner to record the verdict as they had asked him to do.

The witness after reading over his evidence wished to add what follows:—The gaoler, Holland, being called by the jurors, said, that he had done his duty as he had engaged to do it, and had followed the orders given him by the sheriff; for the evidence of the prisoners proved that they had not had as much wood as was necessary to keep them

Correspondence
respecting
Mr. Gogy.

warm; to which the gaoler answered that he gave them the same quantity as had been always given since he had been gaoler, and that the time from the hour when the prisoners were shut up to that at which the doors were opened in the morning was certainly too long for the prisoners to be without fire; that he shut the doors at eight o'clock in the evening, and did not open them before eight in the morning; that he acted thus in accordance with the orders he had received; that he had applied to the sheriff for advances to purchase the necessary articles, and that the sheriff had replied that the province owed him upwards of 4,000 *l.*, and that he could advance nothing. The physician stated that having visited the gaol as usual, he had found the said Collins sufficiently ill to order that he should be put upon the sick list, and that the gaoler had answered that there were no funds to provide soup, and that beef was usually given in such cases, because the sheriff had refused the advances usually made; and that he (the physician) had applied at the hospital and had not been able to procure admission for him: that seeing the state of the said Collins, he had gone to the sheriff for the purpose of representing the state of the prisoner to him, and that the sheriff had given him the same answer as he (the sheriff) had given to the gaoler: he further stated that he had written to the sheriff, with a petition to the governor, to procure what was necessary for the gaol. It was for these reasons that he was not willing to give any medicine to Collins, who had nothing but bread and water to take them with.

Have you had any conversation with the sheriff about the gaol, and at what time, and what was this conversation?—Yes; about the 12th of December, I went to the sheriff's office to ask him whether he would allow me to use a large boiler which was in the lower part of the gaol, and as much wood as would be necessary to make soup for the prisoners twice a week. He told me that he did not wish that this should be done every day, for that it would increase the number of the prisoners; that he could do nothing himself, because he had made advances of more than 4,000 *l.*, for which the province was indebted to him, adding, "God knows when I shall be reimbursed, and for that reason I do not wish to advance a penny, although" (continued he) "I have lately received 50 *l.*; you know how far that will go. I have bought 50 cords of wood, which will take all the 50 *l.* You may go to the gaol and tell the gaoler that I have given you the permission you have asked me for."

Did you hear any remarks made by public officers at the time of the coroner's inquest?—Yes; Dr. Arnoldi, sen., said to me, that it was time these things should be brought to light; that it was melancholy to see a man die in such a deplorable state; that it was the fault of our good governor and the House of Assembly, who paid no attention to the applications which had been made to them for the support of the gaol; that notwithstanding the petitions presented by himself and by the sheriff, they had been refused; he hoped that this case would open their eyes. The coroner stated he coincided in this opinion, and said, in presence of all the jurors, that he hoped that a great change would take place, for it was high time. This conversation took place in a loud and an audible voice before all the jurors at the time of the examination of the physician, Mr. Arnoldi; it formed the close of Mr. Arnoldi's examination.

The Chairman laid before the committee the following letter, received by him from Lewis Gogy, Esq.; and informed the committee that he had acknowledged the receipt of that letter, and had sent an answer to that effect to Lewis Gogy, Esq.:

"Sir,

Albion Hotel, 16 January 1836.

"I have to acknowledge the receipt of Mr. Turgeon's letter in answer to the one which I had the honour to address to you, expressing a desire to correct my evidence; in which letter Mr. Turgeon informs me that an act of mine is considered by the committee to be an insult, and that for that reason the committee does not grant the permission I solicited. As the only means now left to me, I address you again in order to assure you that I had not the smallest intention to violate the privileges of the House, or to give offence to the committee; and as I presume that Mr. Turgeon's letter has reference to the term "frivolous" ("*oiseux*") used by me, I beg leave to assure you, as well as the committee, that I regret having made use of such an expression, and that I wish and earnestly solicit permission to retract it.

My wish to go to Montreal, which place I am anxious to reach as soon as possible, in consequence of sickness in my family, induces me to request as early an answer as possible.

"I have &c.

(signed) "Lewis Gogy."

"O. Perrault, Esq. M.P.P.

"Chairman of the Committee on the Death of J. Collins."

APPENDIX.

No. 1.—Regulations of the Montreal Gaol.

No. 2.—Letter from the Sheriff of Montreal to the Civil Secretary, dated Quebec, 7 November 1835.

No. 3.—Letter from the same to the same, dated Montreal, 25 November 1835.

No. 4.—Warrant of Commitment of William Stuart, John Collins, and Charles Fortier, as Vagrants, dated Montreal, 27 November 1835.

No. 5.—

- No. 5.—Copies of all Correspondence between any Public Functionaries and the Executive Government, since 1st December 1835, relative to the Common Gaol for the District of Montreal.
- No. 6.—Declaration of Charles Fortier and two others confined in the Montreal Gaol, respecting the Death of John Collins.
- No. 7.—Certificate of Dr. Arnoldi, Physician attending the Montreal Gaol, respecting the Death of John Collins, dated Montreal Gaol, 10 December 1835.
- No. 8.—Inquisition on view of the Body of John Collins, 10 December 1835.
- No. 9.—Extract from a Presentment made by the Grand Jury in the District of Montreal, respecting the State of the Gaol in that District.

(No. 1.)

REGULATIONS of the Montreal Gaol.

1st. Prisoners' names shall be entered in the gaol book as soon as they shall come to the gaol, or be brought to the gaol, specifying the crime they stand charged with, by whom committed, and for what period, if that is specified in their commitment.

2d. The gaol allowance to be regularly delivered to the prisoners.

3d. Prisoners may be visited, unless prohibited by the committing authority.

4th. No spirituous liquors are, on any pretence, to be introduced into the gaol, except by order of the gaol physician.

5th. Visitors, if suspected, will be searched previous to being admitted.

6th. The time of visiting prisoners will be from 10 till 12 A. M. and from 2 till 4 P. M.

7th. Persons convicted of bringing spirituous liquors, or implements to facilitate escape to prisoners, when detected, shall be noted and refused admission into the gaol in future.

8th. The time and cause, or authority of discharge, shall also be entered in the gaol-book.

9th. No fee or charge shall ever be made by the gaoler on any pretence whatever.

10th. The prisoners shall be shut up in their cells in their wards at 8 o'clock P. M., and allowed to go at large in the wards at 8 o'clock A. M.

(certified) *E. Holland*, Gaoler.

(No. 2.)

LETTER from the Sheriff of Montreal to the Civil Secretary.

Sir,

Quebec, 7 November 1835.

I have the honour to request you will inform his Excellency the Governor-in-Chief, that there will be immediate necessity of furnishing the gaol at Montreal with the following articles heretofore procured (as to fuel) without any special communication with government, but now specified, in order to obtain the necessary funds, viz.:—100 cords firewood, 50 pair blankets, 25 paillasses, or bed cases.

These articles have been long wanted, but I forbore applying for them sooner, in hopes that some arrangement, whereby the financial difficulties of the province might have been so far settled as to permit the contingent expenses of the gaol, as well for the present as the past, to have been liquidated; but this not being yet the case, I am reduced to the present course, namely, applying for an advance of 200 L. currency, for procuring the abovementioned articles, on the best terms I can possibly make. Which sum (if granted) shall be hereafter duly accounted for, in the usual manner.

Please to observe that the supply of firewood was not mentioned as long as any hope remained of the new gaol being completed; by reason of this delay I apprehend that the articles will be somewhat risen in price, and that it has been estimated accordingly.

I have &c.

(signed) *L. Guky*, Sheriff.

(No. 3.)

LETTER from the Sheriff of Montreal to the Civil Secretary.

Sir,

Montreal, 25 November 1835.

Be pleased to acquaint his Excellency the Governor-in-Chief, that the sufferings of the prisoners confined in the common gaol of this district are becoming extreme since the setting in of the cold season, and that an advance of money is absolutely necessary to procure blankets, bedding and other articles, of which I had the honour of presenting to you a list in the early part of the present month, to the amount of 200 L., including a supply of fuel.

Correspondence
respecting
Mr. Gagy.

The report and remonstrances of the attending physician, Dr. Arnoldi, stating the state of utter destitution in which the inmates of the gaol at present are, in addition to the verbal promise of his Excellency Lord Gosford, that the matter should be taken into consideration at an (then) early period, induces me to repeat the same application with an increased degree of earnestness, as the sufferings of these poor wretches become greater every day.

I have, &c.
(signed) L. Gagy.

(No. 4.)

WARRANT of Commitment of William Stuart, John Collins and Charles Fortier, as Vagrants.

District of Montreal. S. S. Peace Office.

James Millar, Esquire, one of the justices of our Lord the King, assigned to keep the peace within the said district,

To the keeper of the common gaol of the said district, greeting :—

Whereas William Stuart, John Collins and Charles Fortier stand charged on oath with being vagrants and a public nuisance, being in the habit of disturbing the public peace most every night ; these are therefore to authorize and command you to receive into your custody the said William Stuart, John Collins and Charles Fortier, and them safely keep to be dealt with according to law.

Given under my hand and seal, at Montreal, this 27th day of November, in the 6th year of His Majesty's reign.

(signed) James Millar, J. P. (L. S.)

(No. 5.)

Copies of all CORRESPONDENCE between any Public Functionaries and the Executive Government, since 1st December 1835, relative to the Common Gaol for the District of Montreal.

LETTER from Dr. Arnoldi to the Governor-in-Chief.

May it please your Excellency,

Montreal, 8 December 1835.

It becomes my imperious duty to apprise you of the deplorable state of destitution of the prisoners in the Montreal gaol.

This morning a man of the name of Larochelle, sentenced to six months' imprisonment (I believe in the last sessions), being so far recovered from an inflammatory complaint, that I judged it necessary to order him a little soup twice a day, his diet during the preceding week not requiring but the lowest, he is now so weak that if a more generous diet is not afforded him he must inevitably sink, not only from this cause but from the utter want of covering. The gaoler, Capt. Holland, told me he was unable to supply the soup or covering, not having any funds from which either could be procured.

I have also been repeatedly solicited by the poor naked rheumatic and destitute prisoners to order them bedding, neither of which, not even straw, were afforded them, being reduced to the necessity of lying on the cold damp floor, especially the females being confined in the vaults below. I have several times reported these circumstances to the sheriff : I now appeal to your Excellency's Christian charity.

Besides the above, Michael Lachance, James Loukis, Alice Cameron, Mary Quin and Catherine M'Donell, all poor emaciated creatures, have yesterday been stopped the soup ordered for them.

I have, &c.

(signed) Dan^l. Arnoldi, Physician, Montreal Gaol.

(A true copy.)

(signed) S. Walcott, Civil Secretary.

Letter from the Civil Secretary to the Sheriff, Montreal,

Sir,

Castle of St. Lewis, Quebec, 10 December 1835.

I have the honour to acquaint you, with reference to your letter of the 25th ultimo, and to one this day received from the physician of the Montreal gaol, that his Excellency the Governor-in-Chief has been pleased to issue a warrant in your favour for 50 l. sterling, for the

the purchase of indispensable articles of food and covering for the temporary relief of the destitute prisoners, and that the warrant has been taken up by your attorney.

Correspondence
respecting
Mr. Guky.

I have, &c.

(signed) S. Walcott, Civil Secretary.

(A true copy.)

(signed) S. Walcott, Civil Secretary.

Letter from the Civil Secretary to the Sheriff, Montreal.

Sir,

Castle of St. Lewis, Quebec, 16 December 1835.

His Excellency the Governor-in-Chief has directed me to acquaint you, with reference to your letters of the 7th and 25th ultimo, and to mine of the 10th instant, that he has been this day pleased to issue his warrant in your favour for 150 l. sterling, in addition to the 50 l. advanced to you by warrant on the 10th instant, for the purpose of enabling you to provide for the immediate and indispensable wants of the prisoners under your charge.

I have, &c.

(signed,) S. Walcott, Civil Secretary.

(A true Copy.)

(signed,) S. Walcott, Civil Secretary.

Letter from the Sheriff of Montreal to the Civil Secretary.

Sir,

Montreal, 18 December, 1835.

I have to acknowledge your former letter containing a warrant for 50l., and this day another for 150l., the whole for the purpose of providing for the wants of prisoners confined in the common gaol of this district. Since your last communication on this subject, private charity has not been idle, so that the inmates of the gaol have been in a state of comparative comfort, to which until very lately they had been strangers. His Excellency Lord Gosford may depend upon my best exertions to employ the resources so left at my disposal to the best advantage of the prisoners under my charge.

I think it my duty to report, that I have thought myself justifiable in retaining out of this seasonable supply the price of 50 cords of firewood, which I have purchased lately at my own risk, under an apprehension of falling short of firewood, so that the gaol never was suffered, under any circumstance, to fall short of that indispensable article; if therefore I receive no directions to the contrary, this item will appear in the next contingent accounts I shall send to Government.

I have, &c.

(signed) L. Guky.

(A true copy.)

(signed) S. Walcott, Civil Secretary.

(No. 6.)

DECLARATION of Charles Fortier and two others confined in the Montreal Gaol, respecting the Death of John Collins.

District of Montreal.

Charles Fortier, Antoine Moyen, and Charles Willer, all three confined in the common gaol of the district of Montreal, declare under oath, that the deceased, John Collins, occupied the same room with us, from the time he was incarcerated, about 15 days ago. He was already unwell at the time he was taken to gaol. After that he complained of illness, and yesterday Dr. Arnoldi visited him; he however experienced no relief, and he died in that room this morning, between one and two o'clock. He was very ill last night, when he was shut up in that room with the deponents at eight o'clock, without fire, without a bed, without bed clothes, or any clothing, in a very cold night, and in a room very much open to the weather.

The deponents say, that they have not a sufficient quantity of wood to heat the stove of which they are permitted to make use during the day; that the fire is put out every evening at eight o'clock; that they receive no warmth during the night; that the room in which they

Correspondence
respecting
Mr. Gagy.

pass the night is not opened until eight o'clock in the morning; and that they are suffering from a total want of beds, bedding, fuel and clothing: they add, that the death of Collins must be attributed in a great measure to these privations.

Sworn to before us, at Montreal, the 10th December 1835.

(signed) *J. M. Mondelet*, His Majesty's Coroner.

True copy of the original in my office.

(signed) *J. M. Mondelet*, His Majesty's Coroner.

Montreal, 11 January 1836.

(No. 7.)

CERTIFICATE of Dr. Arnoldi, Physician attending the Montreal Gaol, respecting the Death of John Collins.

I hereby certify that I was called yesterday to see a most miserable object, by name of John Collins, in the last state of destitution, evidently sinking from the want of food and raiment; he died this morning, and was found dead about half-past six o'clock.

(signed) *Dr. Arnoldi*, Pn. M. G.

Montreal Gaol, 10 December 1835.

Sworn at Montreal, 10 December 1835.

(signed) *J. M. Mondelet*, H. M. C.

A true copy of the original remaining in my office.

(signed) *J. M. Mondelet*, His Majesty's Coroner.

Montreal, 11 January 1836.

(No. 8.)

INQUISITION on view of the Body of John Collins.

An inquisition indented, taken at Montreal by J. M. Mondelet, Esq., His Majesty's coroner in and for the district of Montreal, on the behalf of our said Sovereign Lord the King, on view of the body of John Collins, a prisoner confined in the common gaol, deceased, on the oath of Pierre Jacques Beaudry, François Pigeon, Pierre Mathurin, Pierre Beauchamp, Léon Bricault, Eustache Arcand, Alexis Talor, Bernard Beaudry, Charles Couture, John L. Grant, Robert Betly, Samuel B. Gelton, twelve good and lawful men of the city of Montreal, in the said district of Montreal, who being sworn and charged to try and inquire on the behalf of our said Sovereign Lord the King, how, when, where, and in what manner the said John Collins came to his death, say and declare, on view of the body of the said deceased, and according to such testimony of evidence, and to such circumstances as were brought before them, they find that the said John Collins has been confined in the common gaol as vagabond since the 27th day of November last; he was sick at that time; yesterday in the afternoon his indisposition gained ground so rapidly that medical advice was called in but afforded no relief. In this miserable situation he was placed under lock key with the two other prisoners, in an apartment by no means calculated to keep out the inclement weather, without a bed, without straw, without a blanket, without clothes, without fire. This morning he was found dead in sight of the two other prisoners, who were unable to grant him the slightest relief.

The jurors do declare, that the room in which John Collins was incarcerated last evening was uninhabitable; the window is so faulty that the cold penetrates in every direction; the cold last night must have been very severe in that room, sufficient to have caused the death of any person enjoying the best health, and more particularly the prisoner, as he was perfectly destitute of everything necessary. Therefore the jury aforesaid, on their oaths aforesaid, do say and declare that the deceased has no marks of violence upon his body; he died through the want of food, and by cold and misery. He had in his prison neither clothes, bed, nor any covering by which he could keep himself warm; nor had he even any straw on which he could lie down.

In testimony whereof, as well the said coroner as the said foreman of the jurors aforesaid, have subscribed their names to this inquisition, and affixed their seals at Montreal, this 10th day of December 1835.

(signed) *Pierre J. Beaudry*, Foreman. (L. s.)

(signed) *J. M. Mondelet*, His Majesty's Coroner. (L. s.)

A true copy of the original remaining in my office.

J. M. Mondelet, His Majesty's Coroner.

Montreal, 11 January 1836.

(No. 9.)

Correspondence
respecting
Mr. Guky.

EXTRACT from a Presentment made by the Grand Jury in the District of Montreal, respecting the state of the Gaol in that District.

District of Montreal.

"The state of the prison of this district has frequently been made the subject of the presentments of preceding grand jurors, that consequently the present grand jurors refrain from any particular remarks thereon, as the new prison is on the point of being finished. The only subject to which they would call the attention of the court, is the situation of the women confined in the prison: they are abandoned to themselves, living in idleness, and mutually encourage each other in vice, and are attended upon solely by men, which offers a singular contrast with the practice followed in the prison for the district of Quebec, where the females are under the superintendence of a respectable woman who makes them work, gives them lessons and examples of virtue. The system followed in Quebec should be introduced here, and great benefit would result from it."

Enclosure 5, in No. 1.

To the Right Hon. *Archibald Earl of Gosford*, &c. &c. &c.

The Memorial of *Lewis Guky*, of the City of Montreal, Sheriff of and for the District of Montreal, in the said Province of Lower Canada,

Humbly sheweth,

THAT your memorialist, in obedience to the commands of your Excellency, signified to him by a letter from Mr. Secretary Walcott, has been, with as little intermission as the fulfilment of his official duties would admit of, engaged in obtaining evidence to support his answer to the charges exhibited against him by the House of Assembly of this province, which your Excellency caused to be communicated to your memorialist; and your memorialist now humbly submits for your Excellency's consideration such a statement, substantiated by such evidence as, he ventures to believe, will justify those passages in his official life which the House of Assembly have impugned.

Upon the inquiry instituted by the Committee of the House of Assembly into the circumstances which preceded and accompanied the death of John Collins, who died in the common gaol of the said district, and into the state of the said gaol, that Honourable House adopted the following resolutions as part of the grounds of their petition to your Excellency, for your memorialist's removal from his said office of sheriff:—

1. That the Legislature of this province has already exerted itself to improve the physical and moral condition of the accused persons and those under sentence in the gaols in this province; and that until its efforts and labours can be followed by immediate effect, it is expedient to remedy the abuses which may exist in the keeping and management of the common gaols in the several districts of this province.

2. That by the common law of the country, as well as by the Act passed in the 45th year of Geo. 3, c. 13, the common gaols in and for the several districts of this province are placed under the care of the sheriffs in their respective districts; and that by virtue of the said laws it is the especial duty of *Lewis Guky, Esq.*, sheriff of the district of Montreal, to keep and superintend the common gaol of the district of Montreal, and to see that it is healthy and secure.

3. That the officers to whom the keeping, security and healthiness of the said gaol were entrusted had at their disposal, on the 9th of December 1835, the usual and sufficient allowance of provisions and fuel to maintain and preserve the lives of the said prisoners.

4. That the death of the prisoner John Collins, which happened in the said common gaol of the said district of Montreal, on the night between the 9th and 10th December 1835, is to be attributed chiefly and in a great measure to the culpable negligence of the subordinate officers who had the care and keeping of the said gaol, and whose duty it was to watch over the health of those whom it contained; and that the sheriff of the district of Montreal was bound to superintend the said officers, and is responsible for their conduct, and has been guilty of violating his duty in not superintending them with sufficient care, and in neglecting to see that said gaol was kept in proper order, and the health of the said prisoners duly attended to.

5. That, by his answers before the Special Committee directed to inquire into the circumstances which preceded and accompanied the death of the said John Collins, and the state of the said gaol, the said *Lewis Guky* has shown himself ignorant of the state, keeping and management of the gaol under his charge. That the said *Lewis Guky* has permitted the existence of various abuses, and of vicious regulations in the said gaol under his care, and has not taken any means to remedy them; and that he has permitted and authorized the continuance in office as turnkeys of the two sons of the gaoler, notwithstanding their bad conduct and immoral character, with which circumstances the said *Lewis Guky* was acquainted.

To these supposed delinquencies, as being of a graver and more criminal character than

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the others attributed to your memorialist, your memorialist humbly solicits, in the first place, your Excellency's indulgent attention while your memorialist, with all due regard for the value of your Excellency's time, proceeds as briefly as the importance of the subject will allow, to lay before your Excellency those considerations which, he trusts, will evince the absence of any just grounds for the offences so imputed to him.

The first of the resolutions above transcribed, as your memorialist apprehends, is so purely of an introductory nature that it will not need any exculpatory observations, for it contains no precise charge against your memorialist, and sets forth only a declaration of the past exertions of the Provincial Legislature to improve the physical and moral condition of the prisoners, and of the expediency of remedying the abuses which may exist in the keeping and management of the common gaols in the several districts of this province; positions which it would be as unbecoming in your memorialist as it is unnecessary to his defence to question or deny.

By the second of the said resolutions the House of Assembly have endeavoured to subject your memorialist to the performance of duties more arduous than those which, according to his conception of the laws of the land, are imposed upon the office which he has the honour of holding; the House of Assembly have by that resolution declared that, as well by the common law of the country as by the Act passed in the 45th Geo. 3, c. 13, the common gaols are placed under the care of the sheriffs in their respective districts; and that by virtue of these laws it is the especial duty of your memorialist to keep and superintend the common gaol, and to see that it is healthy and secure.

As far as the common law of the land is concerned, your memorialist is compelled to state, that he cannot admit the accuracy of the principle assumed by the House of Assembly, nor can he easily divine to what part of our jurisprudence they make allusion, for the office of sheriff is wholly unknown to that portion of our laws which was introduced from France; the only officer in that country having the custody of prisoners being of a character nearly allied to that of the keeper of a gaol as understood in England.

In the humble opinion of your memorialist, it will appear manifest that the creation of the office of sheriff, having many of the attributes of such an office in England, was almost a natural consequence upon the changes in the form of administering justice generally which were made subsequently to the cession of this province to His Majesty, and upon the adoption here of the English criminal law after that event.

Adverting, therefore, to the laws of England, from which the office of sheriff was evidently borrowed, your memorialist cannot discover in that system of jurisprudence that anything beyond a general superintendence of the gaols forms part of a sheriff's duty, it appearing, on the contrary, to be incumbent upon the gaoler or keeper to perform many of the duties which the House of Assembly would, under a mistaken view of the common law, allot to your memorialist.

A proof this state of the law of England, as to the person upon whom the said responsibility rests, particularly with regard to his care of the prisoners, will be seen in the ordinary occurrence that it is the gaoler or keeper against whom all proceedings are directed in case of ill usage or cruelty to the prisoners. Nor does your memorialist find any provision in the 45th Geo. 3, referred to by the House of Assembly, that subjects the sheriffs to the performance of new duties, for its granting the keeping of the gaol to the sheriffs was merely a confirmation of the common law.

At the utmost, then, the said Act does not, as it seems to your memorialist, impose upon him any more onerous duty than that of such a general superintendence of the gaol as would produce a salutary control of the subordinate officers subject to his command.

That a general superintendence, calculated to keep in due subjection, and to insure a proper discharge of duty in the officers connected with the management of the said gaol was practised by your memorialist, he thinks is sufficiently demonstrated by the testimony of Dr. Arnaldi, Mr. Perry, Mr. Glassford and Mr. Spears, respectable and credible persons, having the best means of observation, whose depositions, taken under oath, your memorialist herewith brings under your Excellency's consideration, by which it will appear to your Excellency that your memorialist did at all times, with such means as were lawfully placed within his reach, provide for the health and security of the said gaol, and that the gaol, by constant vigilance, was made as secure as its imperfect structure and decayed state rendered practicable.

Proceeding now to the third of the said resolutions, your memorialist admits that on the 9th December last the officers to whom the keeping, security and healthiness of the said prison were entrusted had the usual and sufficient allowance of fuel and provisions to maintain and preserve the lives of the said prisoners, and your memorialist conceives that it is incontestably proved by the evidence he now adduces before your Excellency, that at the said period the lives of the prisoners were not exposed to any danger by withholding from them the quantity of fuel and provisions usual and sufficient to maintain and preserve them.

Your memorialist, in the preceding observations, assumed that the House of Assembly by the word provisions meant food; but if the House of Assembly intended by that word to denote such raiment as is generally allowed in gaols, that is to say, blankets, it must be acknowledged that at that time the usual number of blankets was not in the hands of the gaoler, and that therefore the comfort of the prisoners must have been diminished. Yet your memorialist believes it to be well established, by the evidence now adduced, that the absence of the whole usual number of blankets did not endanger or affect the health of the prisoners, nor was the cause of the death of John Collins, as your memorialist will be hereinafter able to show.

It is not within the province of your memorialist to inquire what considerations may have induced the Executive Government of this province to withhold, until after the 10th of December,

ber the means to purchase blankets, for which at a much earlier period he applied, as appears by the correspondence published in the report of the committee of the House of Assembly; an application which was in accordance with your memorialist's former practice, as the pecuniary advances which he found himself authorized to make upon the faith of reimbursement by the Government without an order to that effect were restricted to the ordinary supply of fuel and food, and never embraced the payment of clothing and other extraordinary expenses.

Your memorialist would, however, humbly represent, that happily it is not to the want of blankets, as compared with the usual supply in the gaol, according to the evidence now exhibited to your Excellency, that the death of John Collins can, with any show of reason, be attributed, and it does not appear that the other prisoners experienced from that cause any danger, or even discomfort.

By the fourth of the said resolutions, the House of Assembly attribute the death of John Collins chiefly, and in a great measure, to the culpable negligence of the subordinate officers who had the care and keeping of the said gaol, and whose duty it was to watch over the health of those whom it contained.

That there was no such culpability in the said subordinate officers is amply proved by the proceedings of the grand jury who attended at the session of the Court of King's Bench for the said district, having criminal jurisdiction, holden in February and March last, now humbly submitted to your Excellency, from which it appears that an indictment preferred against Captain Holland, gaoler of the said gaol, for the murder of the said John Collins by rigorous treatment, was rejected after a thorough investigation, by testimony given under oath, relative to the whole circumstances of the affair; the inquiry having been conducted with more than usual solemnity and care, as is manifest from the presentment of the same grand jury in that behalf, also now respectfully presented for your Excellency's consideration by your memorialist.

The subordinate officers of the said gaol having thus been absolved from all blame in the affair of the death of Collins, it must necessarily follow, as your memorialist humbly conceives, that the responsibility for their supposed neglect and cruelty, which by the subsequent part of the last-mentioned resolution the House of Assembly wished to fix upon your memorialist, will by your Excellency, in the due dispensation of the justice you are called upon to administer, be regarded as wholly devoid of foundation.

At the same time that your memorialist feels sensible that the proceedings of the grand jury will suffice to exculpate the gaoler from all criminality, and consequently produce in your Excellency's breast a conviction of the innocence of your memorialist, it seems to your memorialist not improper to enter upon the evidence which led the House of Assembly to implicate your memorialist's character with regard to Collins's death.

The evidence upon which the crimination of the House of Assembly seems chiefly, and indeed wholly, to rest, is that taken before the coroner at the inquisition held on view of the body of John Collins, which consists, firstly, of the testimony of three individuals confined for infamous offences, if not already convicted of them, as is shown as well by the depositions as by the records of conviction accompanying this memorial; secondly, of the certificate, under oath, of Dr. Arnoldi.

With regard to the three prisoners, whom the coroner, it might be said with some degree of indiscretion, admitted as credible, if not competent witnesses, your memorialist would barely remark, that independently of the suspicion, if not the utter want of weight to which their testimony is obnoxious, and of the evidently natural inclination they must have experienced to vilify the character of him whose coercion, however humanely administered, they hated in common, that testimony is expressly contradicted by the observations, under oath, produced by your memorialist, of Dr. Arnoldi, Glassford, Spears and others, whose characters and veracity are unimpeachable.

That inanition and exposure to cold while in the gaol were not the immediate or remote causes of Collins's death is proved beyond controversy, as well by the testimony of Dr. Arnoldi as of others, by which it is established, that after years of dissolute habits and exposure in so severe a climate as this, he was introduced, in the last stage of disease, beyond the hope of medical relief, into the gaol, where he declined until the day of his death, and then not more rapidly than he would have done with all the advantages of the best instituted hospital.

The same evidence disproves the assumption that your memorialist had the right or authority to have Collins conveyed to an hospital or other public place suited to the reception of sick persons; and although your memorialist, as member of an institution supported chiefly by private contributions, has in a few instances been enabled to induce those having the care of that institution to admit sick prisoners, whose removal was deemed necessary by a physician, it cannot be laid to his charge that it was out of his power on all occasions to induce the exercise of that benevolence.

Your memorialist would observe, with regard to the attested certificate given by Dr. Arnoldi before the coroner, that he does not ascribe the death of Collins to any want of the common necessities of life during his confinement in prison, but, as it appears by his deposition, now laid before your Excellency, he assigns such destitution to the period antecedent to his confinement.

Upon the subject of this resolution your memorialist begs leave further to remark, that the testimony of Dr. Arnoldi and Glassford abundantly prove the fact, that one-eighth part of a cord of wood each day is more than sufficient for the consumption of a large stove, even in the severest weather; a fact of some moment, as the testimony upon which the accusation of

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the House of Assembly rests, in some degree, gratuitously ascribes to such supposed limitation of the quantity of fuel the termination of Collins's existence.

Your memorialist, with a view of enabling your Excellency to judge how far he should, under any circumstances, be deemed liable for the conduct of the gaoler, to whom by law the direct management of the gaol is entrusted, would, in addition to the preceding observations, respectfully pray your Excellency to consider that long before your memorialist was appointed sheriff of the district of Montreal, Captain Edward Holland, the individual for whose supposed crimes the House of Assembly would willingly see your memorialist sacrificed, had been appointed gaoler of the said gaol by Sir Francis Burton, then lieutenant-governor of this province; because your memorialist feels confident that your Excellency, in dispensing justice in his case, will duly appreciate that sound rule of law, by which it is declared that the acts of subordinate officers are chargeable to their superior officers, by whom they are appointed, but not where the superior and subordinate officers hold their appointments independently of each other from paramount authority.

The rights to appoint and dismiss from office are and must be co-extensive, and reside in the same authority, and it would ill become your memorialist to deprive a person of an office to which he had been appointed by the head of the provincial executive power.

The situation in which your memorialist was thus placed with regard to Captain Holland, even supposing his faults not to have been venial, affords a striking contrast to that of a sheriff in England, for in that country the sheriffs have the privilege of appointing and discharging their gaolers, as appears by statute 14 Edw. 3, c. 10, which enacts that "the gaols shall be rejoined to the sheriffs, and the sheriffs shall have the custody of the same, as before, and they shall put in keepers for whom they shall answer."

Your memorialist would further observe, with regard to Captain Holland, that the accompanying evidence clearly proves him to have been very humane and charitable in the exercise of his duties, qualities for which he has been more than once commended by grand juries; and that the occasional warmth of his temper was the inevitable consequence of the irritating misconduct of the prisoners.

By the 5th of the said resolutions your memorialist is charged with having permitted the existence of various abuses, and of vicious regulations in the said gaol, and with not having taken any means to remedy them.

What the abuses and regulations so complained of are the House of Assembly does not specify in its resolution; but from the proceedings before the committee, your memorialist conjectures that the regulations regarding the locking up of the prisoners in their cells during the night, and other modes of restraint used in case of necessity, are the objects of reprehension; but your memorialist indulges in the belief that the evidence now brought forward will satisfy your Excellency, that from the peculiar construction of the gaol, the security of the prisoners, and the maintenance of order and discipline amongst them, justified, as well those regulations as the other modes of coercion occasionally employed.

It is also worthy of remark, that those regulations were established and practised for many years previous to the time of your memorialist's appointment to the said office.

The last-mentioned resolution further attaches blame to your memorialist for suffering the gaoler's two sons to be continued as turnkeys; a fact which is sufficiently accounted for by Mr. Perry, who states in his deposition that the said two individuals were retained after their conduct became the subject of complaint, because there were no funds to pay them their arrears of wages, or to provide other turnkeys; and your memorialist cannot see the justice or propriety of requiring your memorialist to dismiss those individuals unpaid, or of expecting your memorialist out of his own money to provide the means of paying such arrears, or of engaging the services of others; and least of all at a period when, as is known to your Excellency, the advances made for other objects by your memorialist, and his other allowances, had been suffered to accumulate without being paid for an unprecedented length of time.

The committee of the House of Assembly, in their said report relative to Collins's death and the state of the gaol, aver that it is established by the evidence of Mr. Perry, that a sum of 100 *l.* or 200 *l.* is the utmost which is due by the province to the sheriff of the district of Montreal for advances made by him for fuel and provisions for the prisoners under his charge.

Your memorialist humbly conceives that the testimony of Mr. Perry, taken before the committee, when fairly considered, does not warrant such a conclusion, for he there acknowledges his inability to answer on that head with any degree of exactness; and the conjecture which he seems to have hazarded was made on an erroneous principle, as is shown by the following passage in his deposition, accompanying this memorial:

"The answer given by the deponent before the committee of the House of Assembly, that the amount due for advances for bread and fuel was between 100 *l.* and 200 *l.*, was founded upon his crediting specially against those items the proportion received by the sheriff from the amount advanced from the military chest, instead of applying the payment generally to the advances made by the sheriff."

Humbly presuming that the foregoing statement will, in the opinion of your Excellency, be a due vindication of your memorialist's character, and establish that he has always superintended the gaol in every particular in the degree which the laws of the land require, your memorialist now entreats your Excellency's patience during his answer to the other charges brought against him by the House of Assembly, of which your
memorialist

memorialist cannot refrain from declaring his impression that they are not sustained by any evidence which demands at the hands of your memorialist any confutation.

Prompted, however, by an anxiety to meet every ground of accusation against him, however unfounded, and desirous of obeying your Excellency's commands, by which he was placed under the obligation of giving his defence and explanations upon all the charges preferred against him by the House of Assembly, he now proceeds, with your Excellency's gracious permission, to enter upon the subject of the remaining heads of complaint.

These remaining articles of complaint against your memorialist are contained in the following resolutions:—

Resolved,—That Lewis Guky, Esq. in his quality of sheriff of the district of Montreal, received large sums of money in the shape of fees; and that being required by His Majesty's Executive Government in this province yearly to lay before it true and exact statements or returns of the amount of the fees and emoluments received by him in his said quality of sheriff, the said Lewis Guky, instead of acting frankly and in good faith towards the said Executive Government, and affording it the information required of him, has, on the contrary, purposely, deliberately, and corruptly deceived the said Government, and practised towards it a system of fraud and deceit calculated to degrade His Majesty's Government in this province, and to deprive it of the confidence and respect of His Majesty's faithful subjects therein.

Resolved,—That in pursuance of this system of fraud and deceit, the said Lewis Guky deliberately and corruptly concealed from the knowledge of the said Executive Government a great part of the emolument of his office, amounting to about 5,264 *l.* 11 *s.* 11 *d.* currency for the years 1830-1-2-3 and 1834, by transmitting to the said Government during the said years unfair and false returns of the amount of the fees and emoluments received by him as sheriff of the district of Montreal.

Resolved,—That by the said system of fraud and deceit so practised by the said Lewis Guky towards His Majesty's Executive Government in this province he deliberately and corruptly allowed the said Government to remain ignorant that a portion of His Majesty's subjects were taxed by a mere tariff of fees made by the Court of King's Bench to an enormous amount, and at a rate utterly disproportionate to the services by him performed.

Resolved,—That the said Lewis Guky wilfully and maliciously gave false evidence in his examination before the Special Committee of this House, appointed "to inquire concerning the fees and emoluments received by the sheriffs, prothonotaries and criers of the Court of Appeals, and of the Courts of King's Bench of this province, in virtue of their respective offices," and that in so doing, the said Lewis Guky has been guilty of a high misdemeanor and of a breach of the privileges of this House.

Resolved,—That by such false evidence, the said Lewis Guky intended, deliberately and corruptly, to conceal from the knowledge of this House the enormous and disproportionate amount of the fees and emoluments which he received as sheriff of the district of Montreal, and thereby to prevent this House and His Majesty's Government from applying an effective remedy to the great abuses and grievances aforesaid under which his Majesty's faithful subjects in this province are suffering.

With regard to the first of the last series of resolutions, your memorialist would respectfully observe that he never did deny a fact so notorious, that his said office was, and continues to be, productive of a large amount of fees, which fees, however, do not constitute more than half his income.

Your memorialist made the yearly returns of his salary and fees alluded to in the report of the committee as nearly accurate as your memorialist could make them from the imperfect notes and memoranda of his accounts which he kept privately, your memorialist humbly acknowledging that he is not capable of keeping what are called regular books of account.

If your memorialist, in the exercise of his judgment as to the statements required of him at the hands of the Executive Government, should appear to your Excellency to have fallen into error, he solemnly asseverates that it was unconsciously, and he fondly cherishes the hope that a fault of mere omission will be deemed worthy of your Excellency's lenity.

The second of the said series of resolutions contains, in the first place, nothing more than particulars of the supposed wilful misconduct of your memorialist alleged in the first resolution, and, therefore, your memorialist entreats your Excellency to extend to the said resolution the observations which he has above offered in answer to the first resolution; your memorialist feeling some degree of confidence that your Excellency will deem them a satisfactory apology to His Majesty's Executive Government, to whom alone in that respect he deems himself answerable for his unintentional error.

As to the remaining part of the said resolution, by which he is accused of deliberately and corruptly allowing His Majesty's Government to remain ignorant that a portion of His Majesty's subjects were taxed by a mere tariff of fees, to an enormous amount, and at a rate disproportionate to the services by him performed, your memorialist, lamenting this disposition to impute to him as a crime the exercise of his just rights as established by law, respectfully brings under your Excellency's observation the 17th section of the Statute 41 Geo. 3, c. 7, constituting the courts of judicature as they now exist, by which it is enacted "that the courts of criminal and civil jurisdiction within this province shall have power and authority within their respective jurisdictions to make a table of fees for the officers of the said courts, the which table the said courts of justice may alter and correct from time to time, as they shall see necessary, and the officers of the said courts respectively are hereby required to conform to the same," in virtue of which enactment, the Court of

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King's Bench for the district of Montreal, so long ago as the term of June 1815 established a tariff of the fees to be received by the sheriff of that district, a certified copy of which tariff is now herewith submitted to your Excellency.

Upon comparing this tariff with the fees mentioned in the report of the committee as having been taken by your memorialist, your Excellency will, he conceives, see just reasons for deciding that he exacted no more than he was legally entitled to demand.

Your memorialist cannot, therefore, but question the propriety of laying to his charge any design of concealing the supposed fact that His Majesty's subjects were taxed by a tariff of fees, for that tariff of fees was openly and publicly established by a court of justice, acting under especial legislative authority; a tax, therefore, if it may correctly be so termed, which was virtually, if not directly imposed by the Legislature, while it could not be expected, as he conceives, that the disproportion, if any really exist, between his fees and the corresponding services by him performed would be corrected by him, or on his suggestion, but by the courts of justice, or by the paramount authority of the provincial Parliament.

Besides, your memorialist would respectfully observe that no complaint was, to his knowledge, ever made to the Court of King's Bench that the said tariff of fees, which for 12 years before your memorialist's appointment had been acted on by his predecessor, was unreasonable.

The fourth of the said series of resolutions requires from your memorialist, as he humbly conceives, but a brief explanation, although it charges him with the heinous offence of giving false evidence before the special committee of the House.

The burthen of the accusation is, that there is some discrepancy between the evidence of your memorialist and that of Mr. Perry, as regards your memorialist's income, but upon an impartial examination of the answers of both, your memorialist cannot hesitate to presume that your Excellency will not find in them any inconsistency, and certainly not the wilful and corrupt falsity, the odium of which the House of Assembly have attempted to cast upon his reputation.

Your memorialist respectfully ventures the assertion, that his declaration before the Committee as to the gross amount of his income, which he gave at the moment unprepared, and without the means of accuracy within his reach, is as nearly equivalent to the amount established by the more competent knowledge of Mr. Perry, duly apprized of the objects of his examination, as could reasonably have been expected.

In his answers before the committee your memorialist frankly declared that the average gross amount of his income exceeds 2,000*l.*; and your memorialist humbly represents, that admitting a latitude of some hundreds of pounds, more or less, according to fluctuation of business, this will be found to correspond nearly with the result of the investigation of the committee, which fixed the average net income of your memorialist at 1,999*l.* 0*s.* 2*d.*; especially if your Excellency will take into account the expenses of the office to be deducted from the gross income. The candid admission so made by your memorialist as to the gross amount of his income, and which he could not have made even to that amount but from a recent investigation of his affairs having afforded him some insight into the extent of his income, will prevail, he sincerely hopes, in convincing your Excellency that a person placed at a distance from his office, without his papers or his confidential book-keeper and clerk, called suddenly to answer as to the amount of his income, did not, by conjecturally arriving at the point so near the truth as that which exists between a gross income of 2,000*l.* and upwards, and a net income of 1,999*l.* 0*s.* 2*d.*, incur the guilt of the high crime of perjury, or wilful false swearing, with which his fame has been assailed. The last of the said resolutions being predicated upon those preceding it, your memorialist humbly trusts that the foregoing observations will prove to your Excellency's satisfaction that he was not actuated in his conduct before the committee of the House of Assembly by the base and dishonourable motives with which he has been unworthily reproached.

Your memorialist would conclude by respectfully begging your Excellency to reflect, whether there is any degree of probability that a person arrived at your memorialist's time of life, after having maintained throughout an unsullied character for honour and integrity, after having filled the high office of sheriff for 30 years, after having had the honour of commanding a battallion of incorporated militia, with which he served during the late war with the United States of America, and after having in other respects enjoyed the confidence of His Majesty, would, without any imaginable motive, peril his well-earned reputation and his valuable office by deliberately committing the degrading actions of which he stands accused.

Having thus, to the best of his ability, answered the several charges brought against him by the House of Assembly, your memorialist humbly entreats your Excellency, as to the general character of the complaints preferred against him, to consider that they were based upon the supposition that your memorialist should give his personal attention to the minutest details of his official business; but your memorialist is not without hope that your Excellency will, by reflecting on the numerous, arduous and responsible duties of the office of sheriff of the district of Montreal, arrive at the conclusion, that in order to insure a regular discharge of duty there existed, notwithstanding the efficiency which an experience of more than 30 years in the office of sheriff of Three Rivers and Montreal must have imparted to your memorialist, the utmost necessity for the employment of subordinate agents; and your memorialist is pleased to see that no evidence has been adduced showing any reason for want of confidence in the ability, regularity and integrity of Mr. Perry, to whom your memorialist committed the care of his accounts, while the general conduct of your memorialist in executing the duties of his office in the civil and criminal departments is, by the accompanying evidence, exhibited as not undeserving of some degree of commendation.

Wherefore, your Excellency's memorialist, placing full dependence in the wisdom and justice of your Excellency, humbly prays your Excellency graciously to take the foregoing statement

statement and evidence into your consideration, and that your Excellency will receive the respectful assurance that he places his case within the jurisdiction of your Excellency with the sure conviction that even-handed justice will be awarded to him.

Montreal, 7 May 1836.

(signed) *L. Gagy.*

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Mr. Gagy.

LIST of the Documents and Depositions transmitted by Mr Sheriff *Gagy*, with his Memorial, addressed to the Right Honourable the Earl of *Gosford*, &c. &c. in answer to the Charges of the House of Assembly.

No. 1.—Deposition of Francis Perry, Esq.

No. 2.—Deposition of Daniel Arnoldi, Esq. M.D.

No. 3.—Deposition of Mr. James Spears.

No. 4.—Deposition of Mr. Glassford.

No. 5.—Deposition of Mr. Terroux.

No. 6.—Affidavit relative to John Collins, a Vagrant.

No. 7.—Record of the Conviction of Charles Wheeler for Grand Larceny.

No. 8.—Record of the Conviction of Antoine Hoyer, of Sacrilege.

No. 9.—Exemplification of Indictment of Edward Holland for the Murder of John Collins.
Returned no Bill.

No. 10.—Presentment of the Grand Jury (as far as it relates to Collins's death).

No. 11.—Certified Copy of the Tariff of the Court of King's Bench, Montreal, regarding the Sheriff's Fees.

No. 12.—Deposition of John Boston.

No. 13.—Deposition of J. B. Shiller.

(signed) *L. Gagy.*

No. 1.—Deposition of *Francis Perry*, Esq.

Province of Lower Canada, District of Montreal. Ss.

On the 13th day of April in the year of our Lord 1836, at the city of Montreal, in the province of Lower Canada, personally came and appeared before me, the Hon. James Reid, Chief Justice of the Court of King's Bench for the district of Montreal, in the said province, Francis Perry, of the city of Montreal, in the said province, Esq. who being duly sworn, did depose and say, that he has been employed at the sheriff's office in Montreal since March 1823; that he is by profession an advocate, duly commissioned to practise in all the courts of justice in this province; that he has filled the office of deputy-sheriff of the said district during the existence of the statute creating that office.

This deponent further saith, that he is not wholly dependent on the emoluments arising from the said office; that he is acquainted with the gaol establishment at Montreal, and thinks the sheriff should have the general superintendence thereof; that the gaoler, Edward Holland, has many good qualities, some of which render him fit for his situation; he is of rather a violent temper; it does not however lead him beyond verbal abuse; that this deponent hath not known a single instance when said Holland resorted to blows, and that his humanity has been frequently commended by grand juries and others. The said Holland was appointed gaoler by the governor of this province about the year 1824; the said gaoler appointed his two sons turnkeys, who conducted themselves well for some time after their appointment; the reason why they were retained after their conduct was the subject of complaint is that there were no funds to pay them their arrears or provide other turnkeys. The practice of locking up prisoners in their cells at night has prevailed in the gaol since the deponent first became acquainted with its regulations. It is necessary that such a rule should obtain, because if all the prisoners in a ward were allowed to be together at night they would not fail to make their escape, the building being insecure, and the repeated attempts, sometimes successful, of the prisoners to escape justifying the scheme of dividing their strength. The stoves in the several wards are placed on permanent stone pavements in the wards, pursuant to the original design of the building, and deponent does not think they could be well placed otherwise. The sheriff has been in the habit of purchasing the allowance of bread and fuel as required, but all other wants requiring an expenditure exceeding 5/. must be authorized by the administrator of the Government, in consequence of orders received from the Provincial Government some years ago, and the forms for the accounts of the sheriff for the contingent accounts of the gaol were accordingly transmitted to the sheriff, copies of which forms are hereunto annexed, marked (A.) and (B.) Invalids are sometimes sent to the Montreal General Hospital, an institution supported by private charity, by the sheriff, who is one of the governors of that institution. The authorities there have sometimes refused to receive sick prisoners, and the prisoners are regularly attended to in the gaol by the physician commissioned for that purpose. There is no place out of the gaol to which the sheriff, gaoler or physician can, by authority, send a sick prisoner. The sheriff's visits to the gaol were such as a superintendent would make in exercising a general control over subordinate officers, and there was, and is, a standing order to the gaoler to report to the sheriff anything remarkable that may occur in the prison. The sheriff has been always punctual in regarding the call of the gaoler in that respect. The cell in which John Collins died is the nearest to the stove in the ward, the door being nearly opposite to it. Straw

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beds were introduced into the gaol, by the present sheriff. He has understood they were disallowed by the former sheriff, by reason that the prisoners had frequently attempted by means thereof to set fire to the prison, and did actually succeed in so doing upon one occasion, an offence for which they were convicted and punished. The present sheriff has made advances for the public service to the amount of about 3,000 *l.* during the last three years, which have not been repaid to him. Before that time the advances made by the sheriff for those purposes were refunded to him half-yearly. The greater portion of these advances has been made for the prison. The answer given by deponent before the committee of the House of Assembly, that the amount due for advances for bread and fuel was between 100 *l.* and 200 *l.*, was founded upon his crediting specially against those items the proportion received by the sheriff from the amount advanced from the military chest, instead of applying the payment generally to the advances made by the sheriff. Mr. A. Girod, whose testimony appears in this matter, is a person, a foreigner, who it is understood lives by the profits of political excitement. That individual cannot know any of the circumstances connected with the prison. Lalanne, the person alluded to, was, at the time referred to, convicted and under sentence for the crime of forgery. A short time previously, he made an attempt to effect his escape from prison. The prisoner, Kellerstein, alluded to in the evidence given before the committee, is a person of infamous character. He is now confined in gaol, having returned from banishment, to which his sentence of death had been commuted. He is not paralytic, and has not, to the knowledge of this deponent, been ill in prison. The firewood, after having been sawed into a convenient length, is carried daily into the wards, where the prisoners use it at their discretion. It is not probable that the gaoler would, on any given night, take two sticks from without the ward to put into the stove just as the prisoners were retiring into their cells. Prisoners are put in irons when they are turbulent and unruly. They do not seem to care much or suffer any inconvenience from such restraint. The irons are generally taken off in a few days, upon the manifestation of better conduct. The deponent further saith, that the said Lewis Gagy was for many years sheriff of the district of Three Rivers, before his appointment as sheriff of the district of Montreal. That the said Lewis Gagy is not well acquainted with the keeping of accounts, and that the magnitude and number of the money transactions connected with the exercise of the office of sheriff of the district of Montreal would render the management of books of account of the same by the said Lewis Gagy a matter of great difficulty. The deponent, since the said Lewis Gagy came into office, has kept the books and accounts relating to the affairs of the said Lewis Gagy, as sheriff, which said books and accounts were under the immediate and sole control of this deponent, and have been kept by him in an apartment distinct from that occupied by the said Lewis Gagy as his office; and that the said Lewis Gagy has not been in the practice of referring to or examining the said books and accounts, the said Lewis Gagy, from deponent's long experience in the office, and from entertaining a good opinion of the deponent, having placed implicit confidence in him. The deponent verily believes that the said Lewis Gagy, from his want of familiarity with accounts, could not at any time within the last seven years, by reference to the said books kept by this deponent, have made an accurate return of his official income, and that the returns of the income of the said Lewis Gagy as sheriff, made by the deponent to the committee of the House of Assembly, were done after much labour and time expended on the subject by this deponent; that the deponent opened and kept the said books and accounts of his own motion, and without any directions given in that respect on behalf of the said Lewis Gagy, and that the said books are, by the clerks in the office, familiarly styled "Mr. Perry's books." And the deponent further saith, that the said Lewis Gagy since he has held the said office has not himself kept any books or accounts, as he relied wholly on deponent's regularity and punctuality. That the fees taken by the said Lewis Gagy as sheriff have always been such as are allowed to that officer by the tariff established by the Court of King's Bench for the district of Montreal, in the year 1823, under the authority of a provincial Act, (41 Geo. 3, c.) and deponent does not recollect a single instance in which any complaint was made with regard to the fees he so received, and in which any deduction from the same was claimed. And the deponent further saith, that the duties which the said sheriff is required by the laws of the said province to perform are arduous and are various in their nature, embracing many which are not imposed upon sheriffs or their deputies by the laws of England; and in consequence thereof the said sheriff of Montreal, in the discharge of the said duties, besides the unremitted attention of the deponent, has necessarily had the assistance of three clerks, besides a gaoler, many bailiffs, constables and other inferior officers, without whose aid it would not be possible for any person to execute the said office.

The deponent further saith, in proof of the regularity and propriety with which the said Lewis Gagy has fulfilled the duties of the said office, that since he has held it no judicial proceedings have ever been brought against him for nonfeasance or misfeasance in office; a fact which the deponent regards as unprecedented in that office, for the predecessor of the said Lewis Gagy, although a person of great regularity and integrity, and of great experience, from having conducted the office for about 30 years, was frequently subjected to litigation by reason of his official acts.

(signed) *Francis Perry,*

Sworn before me, at Montreal, the day and year first above written.

(signed) *J. Reid, Ch. J. K. B.*

(A.)

STATEMENT of DISBURSEMENTS made by _____, Esq., Sheriff of the District of Montreal, between the _____ day of _____, 18____, and the _____ day of _____, 18____, both inclusive, in payment of the usual Contingent Charges of the Gaol and its Dependencies.

Date of Payment.	To whom Payment is made.	Description of the Disbursements.	Voucher.	Amount Paid.
				£. s. d.

(B.)

STATEMENT of DISBURSEMENTS made by _____, Esq., Sheriff of the District of Montreal, between the _____ day of _____, 18____, and the _____ day of _____, 18____, both inclusive, in payment of Work done and Materials furnished for the use of the Gaol, on approved Estimates.

Date of Payment.	To whom Payment is made.	Particulars.	Date of the Governor's Approval.	Voucher.	Amount.
					£. s. d.

No. 2.—Deposition of Dr. Arnoldi.

Province of Lower Canada, District of Montreal.

ON the 14th day of April, in the year of our Lord 1836, before me, the Hon. George Pyke, Esq., one of the justices of His Majesty's Court of King's Bench for the district of Montreal, personally came and appeared Daniel Arnoldi, of the city of Montreal, in the said district of Montreal, Esquire, doctor of medicine, who being duly sworn, maketh oath and saith, that for about 18 months past he has attended, as physician, the persons confined as prisoners in the common gaol of the said district, situate in the said city of Montreal; that from his frequent visits there, he has become acquainted with the manner in which the said gaol has been managed; that the deponent knows Edward Holland, who has for many years been gaoler of the said common gaol; that although the said Edward Holland is given to the use of rough language towards the prisoners, which the deponent conceives to be inevitable, if not politic, the said Edward Holland is a man of humane disposition, against whom deponent never heard any of the prisoners complain on the score of ill-treatment or of want of kindness; that deponent knows the Honourable Lewis Gagy, sheriff of the said district, and has frequently seen him at the said gaol, and that the deponent conceives that the said Lewis Gagy visited the said gaol sufficiently often to insure the exercise of a wholesome control over the gaol in the way of superintendence, and that deponent has always known the said Lewis Gagy to be ready in obeying any call upon his attention made by deponent, or the persons connected with the management of the said gaol; that the deponent having occasion to visit one of the prisoners named Louis La Rochelle, who was sick about 10 days before the death of John Collins, the person that died in the said gaol on the 10th December last, this deponent while attending on La Rochelle saw the said John Collins every day during that period staggering about the ward in which the said John Collins and other prisoners were confined, and that said Collins requested deponent to obtain a more generous diet for him; that at that time the said Collins had no specific complaint, but was completely worn out in constitution, and was evidently declining so fast that he must have died, even in the best hospital, within a few days, and that the said Collins was then, in the estimation of deponent, in the last stage of existence, and beyond the reach of medical aid; and deponent further saith, that the death of the said John Collins is not ascribable purely to any coldness in the cell in which he was confined at night, although the

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said John Collins's clothing was imperfect and ragged, and that the temperature of the said cell was such that water did not at any time freeze therein; that there is a stove in the centre of the ward adjoining the said cells, in which much more fuel is used by the prisoners there confined than is necessary for the comfortable warming of the said ward and cells, and that the heat is admitted into the cells by leaving the doors open during the day; that during the space of time aforesaid before the death of the said Collins, when the deponent attended the said prisoner in the same ward as Collins, the deponent never observed the temperature of the cells to be too low, but that, on the contrary, the same was moderate and adopted to the nature of the complaint under which the said prisoner was labouring; that deponent having lived in this province all his life, and having had the experience of housekeeping here for upwards of 40 years, he is firmly of opinion that even in severe winter weather one-eighth part of a cord of firewood is more than a sufficient allowance each day for a large stove.

(signed) *Daniel Arnoldi, P. M. G.*

Sworn before me, at Montreal, the day and year above written.

(signed) *George Pyke, J. K. B.*

No. 3.—Deposition of Mr. *James Spiers*.

Province of Lower Canada, District of Montreal. Ss.

On the 14th day of April, in the year of our Lord 1836, before me, the Honourable George Pyke, one of the Justices of His Majesty's Court of King's Bench, for the district of Montreal, personally came and appeared James Spiers, of the city of Montreal, in the said district, blacksmith, who being duly sworn, maketh oath and saith, that this deponent has known the Honourable Lewis Gagy since he the said Lewis Gagy was appointed sheriff of the said district; he has also been acquainted with Edward Holland since he was appointed gaoler of the common gaol of the said district of Montreal. That for about eight years last past this deponent hath been solely employed by the said Lewis Gagy to do the necessary blacksmith's work in and about the said gaol, consisting in occasional repairs, and the making of leg-chains and handcuffs for refractory prisoners, and in other particulars; and that being so employed, this deponent, during the space of time aforesaid, hath had occasion to visit the said gaol almost daily, and to observe its condition and the conduct of the said gaoler and prisoners. That the said Holland is a man of violent temper, and uses harsh words, which deponent considers few tempers, however good, could scarcely refrain from using, as the misconduct of many of the prisoners, and their contempt of authority, are very exasperating; that he never saw the said Holland strike or maltreat any prisoner but once, about six years ago, or more, when one Bellerose, a prisoner, under sentence of death, having removed one or two iron bars from the door of his cell, had released himself from his irons; and deponent having been sent for to secure the said Bellerose again, that individual first struck said Holland a violent blow in the face with a stick of wood, and the said Bellerose having attempted to strike deponent, thereupon the said Holland gave him a blow. That said Bellerose was a very unruly and dangerous character. The deponent further saith, that he never knew the said Holland to be guilty of inhumanity towards the prisoners; but, on the contrary, has seen many instances of his charitable and considerate bearing in their favour. The deponent has often seen the said Lewis Gagy at the said gaol, both by day and by night, sufficiently often in the way of control and superintendence of the subordinate officers; and the said Lewis Gagy was at all times ready to answer the call of the deponent or of the gaoler. That the said gaol has been for many years insecure and insufficient to prevent the occasional escape of prisoners, and deponent conceives that the prisoners would easily effect their escape if they were not, during the night time, locked up in their cells according to the practice which has obtained in that institution; for if they were permitted to stay together at night in the wards, their united strength, and the experience of many of them in such practices would render their escape inevitable. And deponent further saith, that without the occasional application of handcuffs and leg-irons, such as are put on prisoners in the said gaol, the said gaoler could not assert his authority and keep order in the said gaol, or prevent their escape; and that for four or five years past there has been a standing order from the sheriff to deponent to examine the iron bars to the openings of the said gaol three or four times a week, to discover if the prisoners had cut through them, or been endeavouring to do so, for the purpose of escaping, and that the cutting of the bars has been of frequent occurrence. And deponent saith, that another reason for frequently securing the said prisoners is to prevent a practice which they sometimes follow, if free in the ward: when respectable persons may appear in the said gaol, they inveigle such persons to the grated door and take the opportunity of robbing them of articles about their persons; and the old offenders are sometimes so put in irons, because they have plundered new comers among them of all their clothing. That in each of the wards of the gaol there is a large double stove placed on a stone pavement originally designed for it, and the pipe is conducted into the only pipe-hole in the ward, there being no fire-place, and that heat is admitted into the said cells by the doors thereof being left open during the whole day, and at other times through a grating of about a foot square in the door of each cell; and the said stoves, by the means aforesaid, are quite sufficient to heat the two nearest cells to the stove in those wards which contain three cells, and that the said prisoners, even in the severest weather, frequently open the windows for the purpose of communicating with their fellows in the street. That the deponent knows the cell in which John Collins died in

December

December last, and which is in ward No. 4, and that it is the centre cell, to which the stove is nearest, and deponent saith that the said cell must have been sufficiently warmed by the said stove. That the said deponent knew the said John Collins for more than 20 years before his death, and that for more than 15 years before his decease he was a common vagabond by day and night, and given to the excessive use of ardent spirits, and in a state of drunkenness would often lie out at night on rafts and in boats at the river edge; and that long before his death the constitution of the said Collins was ruined by intemperate habits and by exposure. That deponent saw said Collins in the cell on the morning of the day on which he died, and perceived that he was then dying from the effects of an exhausted constitution and diseased body. That deponent has known the said Collins to be two or three days at a time without food, which deponent often gave him to relieve his distress, deponent having some consideration for said Collins as a former fellow-apprentice. That the said Collins on the said morning of his death was very barely and ill-clothed, and that at and before the time of his death the said cell was as warm as usual. That there were in the said cell at the same time three prisoners, Charles Fortier, Antoine Moyen, and Charles Miller, the two former old offenders, who had been frequently apprehended for robbery, and the last confined upon some other charge, and that deponent would not believe the said three individuals if they were examined under oath. And deponent further saith, that at and before the time of Collins's death there was as much firewood ready for use at the said gaol as there used to be in previous years, and that the sheriff contracted with one Glassford to supply wood for the said gaol, and that that person delivered the wood from time to time as required, sometimes in quantities of 50 cords, and that during the present season, which has been unusually severe, deponent has known upwards of 10 cords used in the said gaol in a week. And deponent further saith, that Dr. Arnoldi, physician of the said gaol, was in daily attendance at the said gaol since his appointment, and deponent knows that the said Dr. Arnoldi was so in attendance at the gaol on the day of Collins's death, but deponent conceives, for days before his death Collins was beyond the power of medical relief; and further saith, that the said Collins for some time before his death was subject to fall into fits.

(signed) *James Spears.*

Sworn before me, at Montreal, the day and year first above written.

(signed) *George Pyke, J. K. B.*

No. 4.—Deposition of Mr. *James Glassford.*

Province of Lower Canada, District of Montreal. Ss.

ON this 14th day of April, in the year of our Lord 1836, personally came and appeared before me, the Hon. George Pyke, one of the Justices of His Majesty's Court of King's Bench for the said district of Montreal, James Glassford, of the city of Montreal, in the said district, a captain in the militia in the said province, who being duly sworn, maketh oath and saith, that for five or six years past this deponent has, by agreement with the Hon. Lewis Gagy, sheriff of the said district of Montreal, contracted for the yearly supply of firewood for the use of the common gaol of the said district, situated in the said city of Montreal. That during the last summer the said sheriff, complaining that he had received no money from the Government for refunding the advances already made to him, said that he was unwilling that deponent should, as in former years, deliver as large a quantity of firewood, it having before that time been the practice to lay in during the summer season a quantity nearly sufficient for the whole year; that during the last summer up to the 10th day of October last past, the deponent delivered at the said gaol upwards of 100 cords of said firewood; and that from the 10th day of October to the present time deponent has at different times delivered there 150 cords more; and that during the whole of this winter there has always been at the said gaol a quantity of firewood sufficient for the purpose of the said gaol. And the deponent further saith, that from his having had frequent occasion to visit the said gaol he became acquainted as well with the character and conduct of Edward Holland, keeper of the said common gaol, as with the mode in which the said gaol was managed; that although the said Edward Holland is a person of warm temper, yet the deponent never saw any harshness practised by him towards the prisoners confined in the said gaol, with the exception of strong expressions, which deponent considers almost excusable on account of the irritation produced by the demeanour of many of the prisoners, who are often unruly, and condemn the gaoler's authority; and that deponent has often heard persons who had been in the said Holland's custody acknowledge the kindness experienced at his hands. And the deponent further saith, that a cord of wood is a sufficient supply for a week for the use of a stove of a large size, even in severe weather; and that deponent has understood and believes that during the coldest season of the year from eight to ten cords of firewood have, for years past, been the total weekly consumption of wood for all the stoves in the said gaol; and deponent believes that there have been at least seven or eight stoves in constant use in the said gaol in the winter season. That the deponent did not know John Collins, who died in the said gaol in December last. And deponent further saith, that in the month of July last past, this deponent having in his hands a quantity of 45½ cords of firewood which he was willing to dispose of, informed the said Lewis Gagy thereof, with the view of ascertaining if he the said Lewis Gagy would permit the same to be taken under the contract for the purposes of the said gaol, and the said Lewis Gagy said that he did not

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wish that, but would purchase it for his own use ; that thereupon this deponent sold the said wood to the said Lewis Gagy for his own use, and was paid for the same by the said Lewis Gagy out of his own means ; that the deponent never included the said quantity of wood in his account against the sheriff for wood supplied for the use of the gaol ; that the said Lewis Gagy, alleging that he had not room enough at his own house to receive the said quantity of wood, directed deponent to place it in the yard in rear of the gaol, which direction was followed by the deponent, the wood delivered for the use of the gaol having been placed during this last year in front of the said gaol ; that deponent desired the gaoler and men employed to carry in the wood not to touch that quantity, as it was the private property of the said Lewis Gagy ; and that deponent was informed by the gaoler, that upon the orders of the said Lewis Gagy he had sent the said quantity of wood bought by the said Lewis Gagy for his own use, partly to the said Lewis Gagy's house, and partly to the house of his daughter, Mrs. Willan ; and the deponent further saith, that he has frequently seen at the said gaol, as well the said Lewis Gagy as Francis Perry, Esq., formerly his deputy, who, since the expiration of the Act authorizing the appointment of a deputy, has acted as the said Lewis Gagy's chief clerk, and that deponent conceives their visits were sufficiently frequent for the exercise of a wholesome control over the gaoler and subordinate officers of the said gaol.

(signed) *James Glassford.*

Sworn before me, at Montreal, the day and year first above written.

(signed) *George Pyke, J. K. B.*

No. 5.—Deposition of Mr. *James Terroux.*

Province of Lower Canada, District of Montreal.

ON the 15th day of April, in the year of our Lord 1836, personally came and appeared before me, the Hon. George Pyke, one of the justices of his Majesty's Court of King's Bench for the district of Montreal, James Terroux, of the city of Montreal in the said district, gentleman, who being duly sworn, maketh oath and saith, that since September in the year of our Lord 1834 deponent has been a permanent clerk in the office of the Hon. Lewis Gagy, sheriff of the said district of Montreal, and that for about two years before that time he was occasionally employed in the said office ; that the books of accounts and accounts of receipts and expenditure in the office of the said sheriff have been during all the time aforesaid exclusively kept in his own room by Francis Perry, of Montreal, esq., now the principal clerk of the said Lewis Gagy, and during the subsistence of the Act of Parliament authorizing such appointment the deputy sheriff of the said district ; that the said Francis Perry was some years ago admitted as an advocate at the bar of this province, and from his legal knowledge and the great experience in such matters acquired by the said Francis Perry during more than 10 years in the sheriff's office of the said district, as well while the said Lewis Gagy has been sheriff as in his predecessor's time, the said Francis Perry is, in the opinion of deponent, eminently well qualified to keep the said accounts and to render every other assistance which the said Lewis Gagy from the number and variety of his duties necessarily requires ; that the said books of account are familiarly in the office called Mr. Perry's books ; and that the said Lewis Gagy has not kept any books of account or accounts relative to the affairs of his said office, as he has always placed well-merited confidence in the regularity and integrity of the said Francis Perry ; that besides the unremitted assistance of the said Francis Perry and of this deponent, the said sheriff in the execution of his various duties is forced to depend upon the aid of two other clerks, of the gaoler, and many bailiffs and other inferior officers ; and deponent further saith, an accurate return of the official income of the said sheriff could not be made without great labour and a familiar acquaintance with the books and accounts kept by the said Francis Perry, and from the manner in which the said books and accounts are kept, deponent is of opinion that nobody but the said Francis Perry could make therefrom such accurate statement ; the deponent is perfectly satisfied that the said Lewis Gagy personally could not by means of the said books and accounts make an accurate return of his official income ; that the amount of the official income of the said office fluctuates yearly in some degree, as its amount is more or less according to the extent of property sold in execution during the year, the said sheriff being entitled by law to a poundage of 2 l. 10 s. per cent. on the proceeds of such sales.

(signed) *James Terroux.*

Sworn before me, the day and year above written, at Montreal.

(signed) *George Pyke, J. K. B.*

No. 6.—Deposition of *T. Bertrand.*

District de Montreal.

Toussaint Bertrand, un des hommes du guet de la cité de Montreal, après serment prêté sur les Saints Evangiles, dépose et dit, que les nommés William Stuart, Charles Fortier et John Collins sont dans l'habitude de venir se réfugier à la maison du guet, et souvent dans un état

état d'ivresse; qu'ils sont tous trois errants et vagabonds; qu'ils sont ramassés presque toutes les nuits par les hommes de guets de la dit cité, qu'ils sont exposés à périr de froid et de misère, étant dans un état de nudité presque complet; qu'ils sont une nuisance publique. Pourquoi il demande qu'ils soient confinés et traités suivant la loi en pareil cas.

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sa

Toussaint x Bertrand.

marque.

Assermenté à Montreal, pardevant moi ce 27 Novembre 1835.

(signé) James Millar, J. P.

No. 7.—Record of the Conviction of *Charles Wheeler* for Grand Larceny.

Province of Lower Canada, District of Montreal.

BE it remembered, that at His Majesty's Court of King's Bench, begun and holden at the court-house in the city of Montreal, in the district of Montreal aforesaid, in the province of Lower Canada, for the trial of crimes and criminal offences, on Thursday the 25th day of February 1836, and continued by adjournment until Thursday the 10th day of March of the same year, before the Honourable James Reid, chief justice of the said court, and the Honourable George Pyke and Samuel Gale, esquires, justices of the said court, assigned to hold pleas before the King himself, and also to hear and determine divers felonies, trespasses and other misdeeds in the said district committed, upon the oath of Austin Cuvillier, Charles Lambert Dumont, Joseph Antoine Gagnon, John Hetrick, Etienne Guy, John Torrance, Edouard M. Leprohon, John Fisher, John Crebassa, Peter Morgan, Olivier Berthelet, John Clarke, François Coyteux, Urgele Archambauet, Thomas M. Smith, Pierre Edouard Leclerc, George D. Arnoldi, John Jamieson and Andrew Shaw, good and lawful men of the district of Montreal aforesaid, then and there sworn and charged to inquire for our said Lord the King for the body of the said district, it is presented in manner and form as follows; that is to say,

Province of Lower Canada, District of Montreal.

At His Majesty's Court of King's Bench for the district of Montreal, begun and holden at the court-house in the city of Montreal, for the cognizance of all crimes and criminal offences, on Thursday the 25th day of February in the sixth year of the reign of our Sovereign Lord William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, before the Honourable James Reid, esquire, chief justice of the said Court of King's Bench, and the Honourable George Pyke, Jean Roch Rolland and Samuel Gale, esquires, justices of the same court.

Montreal, to wit.—The jurors for our Lord the King, upon their oath, present that Charles Wheeler, late of the parish of Montreal, in the county of Montreal, in the district of Montreal, labourer, on the 27th day of November in the sixth year of the reign of our Sovereign Lord William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, 12 shawls, of the value of 2 l. sterling money of Great Britain; nine stocks, of the value of 12 s. sterling money aforesaid; three caps, of the value of 5 l. sterling money aforesaid; three pair of gloves, of the value of 20 s. sterling money aforesaid; one pair of shoes, of the value of 6 s. sterling money aforesaid; three books, of the value of 5 s. sterling money aforesaid; two pieces of soap, of the value of 6 d. sterling money aforesaid; one purse, of the value of 3 s. sterling money aforesaid; and six spoons, of the value of 3 s. money aforesaid, of the goods and chattels of John Ogilvie Brown, then and there being found, then and there feloniously did steal, take and carry away, against the peace of our said Lord the King, his Crown and dignity.

(signed) A. M. Delisle, Clerk of the Crown.

C. R. Ogden, Attorney-General.

Whereupon the said Charles Wheeler, under the custody of Lewis Guky, sheriff of the said district, (into whose custody in the gaol of our said Lord the King of the district aforesaid, for the cause aforesaid, he was before committed) being brought to the bar here in his proper person, who is committed to the said sheriff for the said district, and him the said Charles Wheeler forthwith concerning the premises in the said indictment above specified and charged on him as above, being asked in what manner he would be acquitted thereof, saith that he is not guilty thereof; and hereupon, for good and ill, he puts himself upon the country, and Charles Richard Ogden, esquire, attorney-general, who presents for our said Lord the King, doth the like, whereupon the said Charles Wheeler is remanded to the common gaol of the district aforesaid, and afterwards, to wit, on the 29th day of February 1836, the said Charles Wheeler being brought to the bar, before the said justices of the said court

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under the custody of the said Lewis Gagy, esquire, sheriff of the said district, and being ready for his trial; therefore let a jury thereupon immediately come before our justices of our said Lord the King last above named here, by whom the truth of the matter may be better known, and have no affinity to the said Charles Wheeler, to recognise upon their oath whether the said Charles Wheeler be guilty of the premises in the indictment aforesaid above specified or not; because as well the said Charles Richard Ogden, esquire, attorney-general as aforesaid, who presents as aforesaid, as the said Charles Wheeler, put themselves upon the said jury; and the jurors of the said jury by the said sheriff for this purpose impanelled and returned, to wit, Antoine Boivin, James Parks, Charles Groux, Pierre Groux, Michel Gaudry dit Boerbonniere, Daniel Moorin, George Coldie, Samuel Sneddon, George Etherington, Laurent Dufresne, Augustin Crevier and Joseph Ledue, being called, come, who being chosen, tried and sworn to speak the truth of and upon the premises aforesaid in the indictment aforesaid above specified, do say upon their oath that the said Charles Wheeler is guilty of the felony and robbery aforesaid in the indictment specified charged upon him above, in manner and form as by the said indictment above against him is supposed; and upon this it is required by the court here if the said Charles Wheeler hath or knows anything to say for himself why the court here ought not to proceed to judgment and execution concerning him upon the said verdict, and the said Charles Wheeler pleads benefit of clergy, which is granted; whereupon all and singular the premises being seen and understood by the court here, it is considered and adjudged that the said Charles Wheeler be taken from hence to the common gaol of this district, and that he be therein confined during the space of six calendar months.

A. M. Delisle, Clerk of the Crown.

No. 8.—Record of the Conviction of *Antoine Hoyer*, of Sacrilege.

Province of Lower Canada, District of Montreal.

BE it remembered, that at His Majesty's Court of King's Bench, begun and holden at the court-house, in the city of Montreal, in the district of Montreal aforesaid, in the province of Lower Canada, for the trial of crimes and criminal offences, on Thursday the 25th day of February 1836, and continued by adjournment until Thursday the 10th day of March of the same year, before the Honourable James Reid, chief justice of the said court, and the Honourable George Pyke and Samuel Gale, esquires, justices of the said court, assigned to hold pleas before the King himself, and also to hear and determine divers felonies, trespasses and other misdeeds in the said district committed, upon the oath of Austin Cuvillier, Charles Lambert Dumont, Joseph Antoine Gagnon, John Hetrick, Etienne Guy, John Torrance, Edouard M. Lepuhon, John Fisher, John Crebassa, Peter Morgan, Olivier Berthelet, John Clarke, François Coyteux, Urgele Archambault, Thomas M. Smith, Pierre Edouard Leclerc, George D. Arnoldi, John Jamieson, and Andrew Shaw, good and lawful men of the district of Montreal aforesaid, then and there sworn and charged to inquire for our said Lord the King for the body of the said district; it is presented in manner and form as followeth; that is to say,

Province of Lower Canada, District of Montreal.

At His Majesty's Court of King's Bench for the district of Montreal, begun and holden at the court-house in the city of Montreal, for the cognizance of all crimes and criminal offences, on Thursday the 25th day of February, in the sixth year of the reign of our Sovereign Lord William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, before the Honourable James Reid, esq., chief justice of the said Court of King's Bench for the district of Montreal and the honourable George Pyke, Jean Roch Rolland, and Samuel Gale, esquires, justices of the same court.

Montreal, to wit.—The jurors for our Lord the King, upon their oath, present that Antoine Moyer, late of the parish of Sainte Anne of Verennes, in the county of Verchers, in the district of Montreal, labourer, on the 5th day of October, in the sixth year of the reign of our Sovereign Lord William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, about the hour of nine in the night of the said day, with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, a certain church there situate, commonly called the church of Sainte Anne of Verennes, feloniously and burglariously did break and enter, and one taper, of the value of 1*d.* sterling money of Great Britain; two surplices, of the value of 30*s.* sterling money aforesaid; one cord belt, of the value of 2*s.* sterling money aforesaid; four sashes, of the value of 30*s.* sterling money aforesaid, of the goods and chattels of the parishioners of the said parish of Sainte Anne of Verennes, (in the custody of Louis Beauchamp, Augustin Jaudin, Antoine Jaudin and Louis Prevost, then churchwardens of the said parish) in the said church then and there being found, then and there feloniously and burglariously did steal, take and carry away, against the peace of our said Lord the King, his Crown and dignity.

And the jurors aforesaid, upon their oath aforesaid, do further present that the said Antoine Moyer, on the said 5th day of October in the sixth year aforesaid, about the hour

of nine in the night of the same day, with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, a certain church there situate, commonly called the church of Sainte Anne of Verennes, feloniously and burglariously did break and enter, and one taper, of the value of 1*d.* sterling money aforesaid; two surplices, of the value of 30*s.* sterling money aforesaid; one cord belt, of the value of 2*s.* sterling money aforesaid; four sashes, of the value of 30*s.*, sterling money aforesaid, of the goods and chattels of one Jean Baptiste Prevost, then and there being found, then and there feloniously and burglariously did steal, take and carry away, against the peace of our said Lord the King, his Crown and dignity.

And the jurors aforesaid, upon their oath aforesaid, do further present that the said Antoine Moyon, on the said 5th day of October in the sixth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, one taper, of the value of 1*d.* sterling money aforesaid; two surplices, of the value of 30*s.* sterling money aforesaid; one cord belt, of the value of 2*s.* sterling money aforesaid; four sashes, of the value of 30*s.* sterling money aforesaid, of the goods and chattels of the parishioners of the said parish of Sainte Anne of Varennes, (in the custody of Louis Beauchamp, Augustin Jaudoin, Antoine Jaudoin and Louis Prevost, then churchwardens of the said parish) in the church of the said parish then and there being found, then and there feloniously and sacrilegiously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his Crown and dignity.

And the jurors aforesaid, upon their oath aforesaid, do further present that the said Antoine Moyon, on the said 5th day of October in the sixth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, one taper, of the value of 1*d.* sterling money aforesaid; two surplices, of the value of 30*s.* sterling money aforesaid; one cord belt, of the value of 2*s.* sterling money aforesaid; four sashes, of the value of 30*s.* sterling money aforesaid, of the goods and chattels of one Jean Baptiste Prevost, then and there being found in the church of the said parish of Saint Anne of Varennes, then and there feloniously and sacrilegiously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his Crown and dignity.

(signed) A. M. Delisle, Clerk to the Crown.
C. R. Ogden, Attorney-General.

Whereupon the said Antoine Moyon, under the custody of Lewis Gagy, sheriff of the said district, (into whose custody in the gaol of our said Lord the King of the district aforesaid, for the cause aforesaid, he was before committed,) being brought to the bar here, in his proper person, who is committed to the said sheriff for the said district, and him the said Antoine Moyon forthwith concerning the premises in the said indictment above specified and charged on him as above, being asked in what manner he would be acquitted thereof, saith that he is not guilty thereof; and for good and ill he puts himself upon the country, and Charles Richard Ogden, esquire, attorney-general, who presents for our said Lord the King doth the like; therefore let a jury immediately come before our justices of our said Lord the King last above named here, by whom the truth of the matter may be better known, and have no affinity to the said Antoine Moyon, to recognise upon their oath whether the said Antoine Moyon be guilty of the premises in the indictment aforesaid above specified or not; because as well the said Charles Richard Ogden, esquire, attorney-general as aforesaid, who represents as aforesaid, as the said Antoine Moyon, put themselves upon the said jury; and the jurors of the said jury by the said sheriff for this purpose impanelled and returned, to wit, Daniel Gorrie, William Adams, John Riddel, William Porter, John Orr, Edward Perry, Richard Wright, James Hodge, William Taylor, George Coldie, Robert Hislop, and Edward Moore, being called, come, who being chosen, tried, and sworn to speak the truth of and upon the premises aforesaid in the indictment aforesaid above specified, do say upon their oath that the said Antoine Moyon is guilty of the felony and robbery aforesaid in the indictment specified, charged upon him above, in manner and form as by the said indictment above against him is supposed; and upon this it is required by the court here of the said Antoine Moyon if he hath or knows anything to say for himself why the court here ought not to proceed to judgment and execution concerning him upon the said verdict, who says nothing besides what at first he had said; whereupon all and singular the premises being seen and understood by the court here, it is considered by the court here that judgment of death be not pronounced by the court here against the said Antoine Moyon, but be recorded against him the said Antoine Moyon, and is now recorded in the manner and form following; that is to say, That the said Antoine Moyon be taken from hence to the common gaol of this district from whence he came, and from thence to the common place of execution of this district, and that he be then and there hanged by the neck until he be dead.

A. M. Delisle, Clerk of the Crown.

No. 9.—*The King v. Edward Holland.*—Indictment for Murder.

Court of King's Bench, Montreal.

Province of Lower Canada, District of Montreal.

At His Majesty's Court of King's Bench for the district of Montreal, begun and holden at the court house in the city of Montreal, for the cognizance of all crimes and criminal offences,

Correspondence
respecting
Mr. Gogy.

offences, on Thursday the 25th day of February, in the sixth year of the reign of our Sovereign Lord William the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, before the Hon. James Reid, esq., chief justice of the said Court of King's Bench, and the Hon. George Pyke, Jean Roch Rolland and Samuel Gale, esquires, justices of the same court.

Montreal, to wit.—The jurors for our Lord the King, upon their oath, present that Edward Holland, late of the parish of Montreal, in the county of Montreal, in the district of Montreal, esquire, from the 27th day of November, in the sixth year of the reign of our Sovereign Lord William the Fourth, by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to the 9th day of December next following, and long before and after, was keeper of the common gaol for the district of Montreal aforesaid, situated in the parish of Montreal, in the county and district of Montreal aforesaid; and that the said Edward Holland being a person of a cruel nature and savage disposition towards the prisoners then being in the said gaol, on the said 27th day of November, in the sixth year aforesaid, with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, made an assault upon one John Collins, then being a prisoner in the same gaol, under the custody of the said Edward Holland, and him the said John Collins then and there with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, unlawfully, feloniously, wilfully and of his malice aforethought, and without the consent of the said John Collins, took, and him with force and arms to a certain room within the gaol aforesaid, then being moist, cold and unwholesome, unlawfully, feloniously, and of his malice aforethought, conveyed and led, and him the said John Collins, with force and arms, at the parish aforesaid, in the county and district aforesaid, in the said room for a long time, to wit, for the space of 15 days then next following, unlawfully, feloniously, and of his malice aforethought, imprisoned and detained, and him the said John Collins then and there with force and arms, at the parish aforesaid, in the county aforesaid, in the district aforesaid, for all the time last-mentioned, in that room without fire, without covering, without bed and bedding, and without food, unlawfully, feloniously, and of his malice aforethought, forced to remain and be; the said room, and the walls and floor thereof, at the aforesaid time of the imprisonment of the said John Collins in the same being very moist and cold, and the windows thereof being broken open and pervious to the air, by reason whereof the room aforesaid was very unwholesome, and greatly dangerous to the life of any person detained in the same.

And the jurors aforesaid, upon their oath aforesaid, do further present that the said Edward Holland at the same time of the imprisonment of the said John Collins in that room, well knew that the said room, and the walls and floor thereof, were then very moist and cold, and that the windows thereof were broken, open and pervious to the air; and that the said John Collins, during the imprisonment and detaining of the said John Collins as aforesaid in the said room, to wit, on the 9th day of December, in the sixth year aforesaid, at the parish aforesaid, in the county aforesaid, in the district aforesaid, by duress of the said imprisonment and detaining became sick, and thereby from the same 9th day of December until the 10th day of December in the said sixth year, at the parish aforesaid, in the county aforesaid, in the district aforesaid, in the room aforesaid, languished, on which the said 10th day of December, in the sixth year aforesaid, the said John Collins, by duress of the imprisonment and detaining aforesaid, in the room aforesaid, at the parish aforesaid, in the county aforesaid, in the district aforesaid, died. And so the jurors aforesaid, upon their oath aforesaid, do say that the said Edward Holland him the said John Collins, in the manner and by the means aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of our said Lord the King, his Crown and dignity.

(signed) C. R. Ogden, Attorney-General.

A. M. Delisle, Clerk of the Crown.

Witnesses :

(signed)

Daniel Arnoldi, Esq., M.D.
Charles Fortier.
Antoine Moyen.

Charles Wheeler.
Pierre Jacques Beaudry.

(No bill.)

Austin Cuvillier, Foreman.

(True copy.)

A. M. Delisle, Clerk of the Crown.

No. 10.—EXTRACT from the Presentment of the Grand Jury to the Court of King's Bench holding Criminal Jurisdiction for the District of Montreal, in the February and March Criminal Term 1836, respecting the Death of Collins.—Filed 10th March 1836.

AMONG the subjects which have occupied the attention of the grand jury was a bill of indictment for murder, preferred by His Majesty's attorney-general against Edward Holland, keeper of the common gaol of this district. The evidence furnished by the Crown officer, as well as that called for by the grand jury, was insufficient to fix any guilt on the accused. But the grand jury cannot dismiss this subject without adverting to the causes as they appeared in evidence which led to the death of the unfortunate prisoner, John Collins. When the prisoner was committed as a vagrant he was badly clothed, and in a state of great debility;

debility; and the grand jury have it in evidence, that such was the ruined state of his constitution from habitual intemperance and misery that he could not have long survived, even if provided with all the comforts of life. But there can be no doubt that from the state of destitution in which the prison then was, and still is, as regards the necessary bed-clothing, and the manner in which the heat is introduced into the cells from the stove in the centre of the ward, his death might have been accelerated; for the grand jury have called before them prisoners who were his companions in the cell, and are still in confinement, who must have suffered equally with the deceased at that particular period, which was the coldest experienced this winter, and they appeared robust and in good health.

The grand jury considered it their duty to examine the sheriff and his principal clerk upon the indictment in question, and from them learned that an application had been made to his Excellency the Governor-in-Chief as early as the 7th day of November last, being more than a month before Collins died, for the means of procuring firewood, blankets and bedding for the prisoners, which means were furnished only to the extent of 50 *l.* sterling, on the 12th of December, being two days after the death of Collins; a sum of 150 *l.* was subsequently received by the sheriff for these purposes; the whole of which sums have been already expended, and that functionary has been forced to make further advances from his private resources, although it would appear that he has not yet been reimbursed by the Legislature for a large amount previously advanced for the support of the prisoners.

The grand jury have visited the gaol and found the tenement in a state of dilapidation impossible for them to describe within the limits of a presentment. They would therefore urge the imperative necessity which exists for the removal of the prisoners to the new gaol, which the grand jury have ascertained by evidence might be ready early in April for their reception, provided the small amount of money required for its completion were advanced under the sanction of Legislative authority, or upon the responsibility of the Executive, and when that removal shall have been effected, the grand jury hope that the classification of prisoners, so frequently recommended by former grand juries, will be carried into effect.

Grand Jury Room, 10 March 1836.

(signed) *Austin Cuvillier*, foreman.
Charles Lambert Dumont.
J. A. Gagnon.
John Hittrick.
Etienne Guy.
E. M. Leprohon.
John Fisher.
Peter Morgan.

E. Masson.
O. Berthelet.
John Clarke.
T. Mitchell Smith.
P. E. Leclerc.
G. D. Arnoldi.
J. Jamieson.

(A true copy.)

(signed) *A. M. Delisle*, Clerk of the Crown.

NO 11.—TARIFF OF FEES.

Court of King's Bench, Wednesday, 7 June 1815.

Present:—The Honourable James Reid, the Honourable L. C. Foucher, Esquires, Judges.

WHEREAS an Act of the provincial Parliament, passed in the 41 Geo. 3, c. 7, clause 17, intituled "An Act to amend certain Forms of Proceedings in the Court of Civil Jurisdiction in this Province, and to facilitate the Administration of Justice," hath authorized this court to sit and establish such fees as may be reasonable and just to be taken by the several officers of this court, employed in and about suits at law; it is therefore ordered, that all rules and orders of this court heretofore made respecting the fees to be claimed and taken in this court by the officers of the same be, and the same are hereby rescinded, (except the fees allowed to the bailiffs by the order of the 20th February last, which said order continues to remain in force,) and that the said officers who may be employed in any civil suit now pending, or hereafter to be prosecuted or defended in this said Court, shall and may claim and take the respective fees hereafter mentioned to be taxed in any suit for several duties and services performed in such suits, and no others, under the penalty of a contempt of the court, and being further liable to the party injured for his damages in that respect ascertained.

SHERIFF'S FEES.

	£.	s.	d.
Art. 1. For the service of every writ of summons, including a copy of the same, in personal actions, not exceeding 20 <i>l.</i> currency	-	5	-
Art. 2. For the like, in actions above 20 <i>l.</i> currency, and not exceeding 30 <i>l.</i> currency	-	6	8
Art. 3. For the like, in actions above 30 <i>l.</i> currency, and in real and mixed actions	-	8	4
Art. 4. For every additional copy, when more than one defendant, one-half more.			

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respecting
Mr. Gagy.

Art. 5.	For the service of every writ of attachment or saisie arrêt, saisie gagerie or entiereement (writs of attachment in the hands of third persons after judgment excepted), exclusive of the service of summons as above regulated - - - - -	£.	s.	d.
			6	8
Art. 6.	For the service on tiers saisie of every writ of attachment after judgment (the service of summons to the said tiers saisie included), exclusive of the service of summons on the defendant - - - - -		3	4
Art. 7.	The same fee for such service on every other tiers saisie when more than one - - - - -		3	4
Art. 8.	Warrant on every such writ and on every execution against the chattels, the body or real property - - - - -		2	6
Art. 9.	For the service of every writ of capias ad respondendum, exclusive of the warrant and of the service of summons, according to the above cases - - - - -		6	8
Art. 10.	For drawing and engrossing a bail-bond and execution thereof - - - - -		6	-
Art. 11.	For the assignment of the same - - - - -		2	6
Art. 12.	For the service of a venire facias for a special jury - - - - -		2	-
Art. 13.	Ditto in causes above 50 £. - - - - -		2	10
	The above to include all the duties on such service together with the returns.			
Art. 14.	For every return of nulla bona or non est inventus, on every writ of execution - - - - -		3	4
Art. 15.	For the execution of every order to re-deliver goods attached, or for the discharge of a person arrested - - - - -		5	-
Art. 16.	For the entry of every opposition - - - - -		5	-
Art. 17.	For the return of the same - - - - -		2	6
Art. 18.	For the return of every writ of execution when proceedings have been had thereon, with the said proceedings - - - - -		5	-
Art. 19.	For the service, levy and sales, on every execution, whereby chattels or realities have been sold, two and a half per cent on the amount of sale.			
Art. 20.	For every deed of sale of lands not exceeding 30 £. currency - - - - -		1	-
Art. 21.	For ditto above 30 £. currency, and not exceeding 100 £. - - - - -		1	10
Art. 22.	For ditto above 100 £. - - - - -		2	-
Art. 23.	For the service of a writ of possession and return - - - - -		1	3
Art. 24.	For ditto with the aid of posse comitatus - - - - -		2	6
Art. 25.	For drawing advertisements and copies for the printer, and to publish at the church door - - - - -		16	8
Art. 26.	Ditto conditions of sale - - - - -		6	8

A true extract from register of Court of King's Bench for the District of Montreal.

(signed) *Monk and Morrogh*, Prothonotaries.

No. 12.—Deposition of *John Boston*.

Province of Lower Canada, District of Montreal.

ON the 10th day of May in the year of our Lord 1836, personally came and appeared before me, the Hon. James Reid, chief justice of His Majesty's Court of King's Bench for the district of Montreal, John Boston of the city of Montreal, esq., who being duly sworn, maketh oath and saith, that he has been practising as a barrister in this province for the space of 26 years now last past, during which time he has chiefly acted professionally within the said district of Montreal. That this deponent having been, during the period aforesaid, engaged in extensive practice, has had good opportunities for observing how the office of sheriff for the said district has been fulfilled, and the deponent conscientiously bears testimony to the regularity, honesty, and integrity with which Lewis Gagy, esq., now sheriff of the said district has executed the various and highly responsible duties of his office. And the deponent further states that, in his estimation, Francis Perry, esq. some time deputy of the said sheriff, and subsequently his chief clerk, and since the late Act of the Provincial Parliament again appointed as his deputy, is a gentleman possessed of valuable estate, worthy of all confidence, and eminently qualified not only to keep the pecuniary accounts of the said Lewis Gagy, but also to assist him in other departments of his said office.

(signed) *John Boston*.

Sworn before me, at Montreal, this 10th day of May 1836.

(signed) *James Reid*, Chief Judge, K. B.

No. 13.—Deposition of *B. J. Schiller*.

ON the 10th day of May in the year of our Lord 1836, at the city of Montreal, in the province of Lower Canada, personally came and appeared before me, the Hon. George Pyke, one of the justices of the Court of King's Bench for the district of Montreal, Benjamin J. Schiller, of the city of Montreal, gentleman, who being duly sworn, maketh oath and

and saith, that he has known the Hon. Lewis Gagy, sheriff of the said district of Montreal for upwards of 30 years; that during the last war with the United States of America this deponent served as an officer, at first as lieutenant and afterwards as captain in the third battalion of Incorporated Militia; and that for the last two years of the said war the said Lewis Gagy was lieutenant-colonel commanding the said battalion, and that he had much influence over the said battalion, arising from the kind and proper treatment which they experienced at his hands.

(signed) *B. J. Schiller.*

Sworn before me, this day and year above written.

George Pyke, J. K. B.

Correspondence
respecting
Mr. Gagy.

— No. 2. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 16 Nov. 1836.

I HAVE had the honour to receive your despatch of the 11th of August last, relative to the case of Mr. Gagy. To that communication and the numerous documents by which it is accompanied, I have given the most attentive consideration.

In proceeding to acquaint you with the view which I have taken of the charges preferred against Mr. Sheriff Gagy by the House of Assembly, I may observe that, unlike the cases of several of the other public officers of the province whose dismissal has been called for by the House, that of Mr. Gagy is connected with no political question or subject of public controversy, the settlement of which would necessarily be preliminary to, or at all events concurrent with a decision on its merits. There is no reason, therefore, why I should postpone the review of a case which your Lordship has placed before me in a most complete and satisfactory shape.

The charges preferred against Mr. Gagy have arisen out of the proceedings of two committees of the House of Assembly; the one appointed to inquire concerning the fees and emoluments of judicial officers, the other to inquire into the circumstances attending the death of a person named Collins in the common gaol of Montreal, and further to inquire into the state of that gaol.

The result of these investigations, so far as they implicate Mr. Gagy, has been embodied by the Assembly in the same address to your Lordship, but it is necessary that I should advert to them separately. They are, in truth, entirely distinct from each other.

1. The first series of charges against Mr. Gagy relate to the returns of his emoluments which he has furnished for insertion in the Blue Book, and to the nature of the evidence given by him before the committee on judicial fees.

Under this head he is accused by the Assembly of having purposely, deliberately and corruptly deceived the Government of the province, and of having practised towards it a system of fraud and deceit, in having concealed from its knowledge a great part of the emoluments of his office by furnishing unfair and false returns thereof for several successive years.

To this accusation Mr. Gagy replies, that the yearly returns alluded to were as nearly accurate as he could make them, from the imperfect notes or memoranda of his accounts which he kept privately; that he is not capable of keeping what are called regular books of accounts, and that if he has fallen into error, it was unconsciously.

With this explanation I am far from being satisfied.

The returns furnished by Mr. Gagy for the Blue Book, for the five years from 1830 to 1834, inclusive, give an average income of 1,382*l.* 9*s.* 2*d.* currency per annum. It is not stated in these returns whether the amount so returned of the sheriff's emoluments was gross or net. The committee seem, however, to have arrived at the conclusion that it was intended to represent the gross amount of the sheriff's emoluments, and Mr. Gagy does not dispute the correctness of their decision on that point.

The expenses of the office, stated by Mr. Gagy himself to amount to 514*l.* a year, being therefore deducted from the above average would, according to the Blue Book, leave the net annual amount of the sheriff's emoluments at the sum of 868*l.* 9*s.* 2*d.*

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Mr. Gagy.

It is proved by evidence adduced before the committee that the annual net income of the sheriff during the years in question was 1,999 l. 0 s. 2 d. currency.

The discrepancy between these two sums is so great that it is scarcely possible to suppose that the returns furnished by the sheriff for the Blue Book were made in error; that year after year the same error was committed; that the amount of his emoluments were "unconsciously," and yet systematically, placed at a scale under one-half of their actual amount.

In his examination before the committee, Mr. Gagy stated that he thought the gross income of his office exceeded 2,000 l. In his defence addressed to you he endeavours to explain away the inference, which is so readily deducible from this admission when contrasted with his annual return to the Government, by averring that he could not have made that statement "but from a recent investigation of his affairs having afforded him some insight into the extent of his income." I am thus to understand that, not only did Mr. Gagy live from year to year in perfect ignorance of the extent of his income, but that, in preparing his annual return he had taken no trouble to ascertain its real amount, and that it was an accidental investigation of his affairs that enabled him to arrive at that knowledge.

Upon this attempt at explanation, I make no further comment than that I think His Majesty's Government were entitled to more respect from the sheriff of Montreal, and that he has evinced anything but a praiseworthy disposition to requite that confidence on their part to which he must have been indebted for his appointment.

Yet Mr. Gagy states in his defence, that his annual returns were as perfect as he was able to make them from his private memoranda. It is difficult to reconcile this assertion with the evidence of Mr. Perry, his chief clerk, who stated to the committee that not only were all the fees of the sheriff regularly entered in books kept for that purpose, but that these books were so kept with the knowledge of the sheriff.

Although, therefore, Mr. Gagy was aware that an entry of all his official receipts was regularly made by Mr. Perry, whom he styles in his defence his "confidential book-keeper," yet when Mr. Perry was asked by the committee from what materials the sheriff made his annual return to the Government, the answer was, "I do not know how the sheriff made the returns alluded to, I have not made any."

I must own also that I can place no favourable construction on Mr. Gagy's statement, that he is unable to keep what are called regular books of account. For all the purposes which the present question involves, the most simple rules of arithmetic would have amply sufficed. If Mr. Gagy professes his ignorance of these, I must assume his inefficiency for the discharge of many of the duties of his office. In his capacity of sheriff he is charged with the realizing and custody of large sums of money; he is entitled to the receipt of a commission on sales of goods and lands under writs of execution. To calculate that commission, to administer the deposits placed officially in his hands, must surely require as much knowledge of accounts as the mere entry and addition of his receipts of office.

The address of the Assembly next declares "that by the said system of fraud and deceit so practised by the said L. Gagy towards His Majesty's Executive Government in this province, he deliberately and corruptly allowed the said Government to remain ignorant that a portion of His Majesty's subjects were taxed by a mere tariff of fees made by the Court of King's Bench to an enormous amount, and at a rate utterly disproportionate to the services by him performed."

With regard to this resolution, Mr. Gagy complains that the exercise of his just rights, as established by law, is imputed to him as a crime.

This interpretation of the terms of the resolution, is I think unfair. The legality of the fees which he received is not once questioned throughout the whole proceedings of the committee. I collect that the investigations of that body were undertaken with the view of determining whether the amount of fees received by several judicial officers was not disproportionate to their services, and that in their inquiries with regard to the office of sheriff of Montreal they found, on reference to the Blue Book, the amount of his income recorded on a scale which tended at least to mislead, if not defeat them in the object of their inquiries.

The next resolution charges Mr. Gagy with having wilfully and maliciously given false evidence before the committee, and that by such false evidence he intended

intended to conceal from the knowledge of the House the enormous and disproportionate amount of his fees and emoluments as sheriff.

The substance of Mr. Guky's defence on this point is, that his statement before the committee that the gross amount of his income was upwards of 2,000 £., nearly corresponded with the result of the investigations of the committee which placed his net income at 1,999 £., and he pleads the disadvantages under which he laboured, in being called upon to make an answer on the subject suddenly and "at a distance from his office, without his papers or his confidential book-keeper and clerk." To the striking discrepancy between the amount of his income so stated by Mr. Guky under all these disadvantages, and the amount as annually returned by him for the Blue Book, I have already adverted.

The charge of false evidence is grounded more exclusively, however, on that part of Mr. Guky's examination where he declares that, even if he were in his office, he does not think that he could state what the amount of the gross income of his office was; that he did not keep a separate book of receipt for each of the sources of his income; that he could not furnish a statement of these several sources, even if he were in his office; that he did not keep a general book of receipts, but that he had the means of ascertaining the income of the office when necessary.

Contrasting the nature of this evidence, so contradictory in itself, with that which was given before the committee, by Mr. Perry, who not only asserted that books were kept in the sheriff's office, with Mr. Guky's cognizance, from which exact statements of his fees could have been made, but who actually prepared and produced to the committee such statements in detail, and bearing in mind that not the least doubt is attempted to be thrown on the correctness of Mr. Perry's evidence, I must confess myself at a loss in what light to view the evidence of Mr. Guky.

Indeed it is impossible for me to regard the whole of the circumstances arising out of this investigation otherwise than with pain. Without participating in the attacks which the Assembly have made upon Mr. Guky's motives, and which so far as he is charged with malice and corruption, are warranted neither by the evidence nor the necessity of the case, I am bound to admit that the result of the inquiries by the committee is not creditable to Mr. Guky. The systematic return of his emoluments at less than one-half of their actual amount; that return made, too, with an apparent regard to fractional sums, and otherwise evidently intended to bear the marks of accuracy; his declared inability to supply statements for which he knew that there existed ample materials; his own acknowledged ignorance of the simplest form of account; the contradictory and unsatisfactory nature of his evidence before the committee; all assure me that if Mr. Guky has not been actuated by a wish to deceive the Government, or is not equal to the proper discharge of his duties, he has at least been guilty of a laxity of conduct and expression which I consider to be highly reprehensible in any public servant, and particularly in one holding the responsible office which Mr. Guky holds.

2. I now pass to the charges which have been brought against Mr. Guky, in connexion with the death of the prisoner Collins, and the state of the gaol in Montreal.

I gather from the papers before me that Collins was committed to gaol as a vagrant on the 27th of November last. The information on which the warrant for his commitment was granted describes him as being almost naked and likely to perish from cold and want. On the evening of the 9th of December he became so ill that the physician to the gaol was called in, when it was found impossible to relieve him, and he died at an early hour on the following morning. A jury being summoned to hold an inquest on the body, there appeared as evidence three prisoners who occupied the same room in which Collins died, and who swore that he was shut up the previous evening without fire, without bed, and without any clothing in a very cold night, and in a room very much open to the weather.

These witnesses further declared that no measures were taken for securing the warmth of their apartment when locked up at night, and that they themselves were then suffering from a total want of beds, bedding, fuel and clothing, privations to which in a great measure they attributed the death of Collins. A certificate was also produced from the physician of the gaol, in which he stated

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that he had been called the previous day to see Collins, "who was in the last state of destitution, evidently sinking from the want of food and raiment."

Upon this evidence the jury found that the deceased "died through the want of food, and by cold and misery." A bill of indictment was in consequence preferred against the gaoler for the murder of Collins, but was ignored by the grand jury of the district. The matter was however taken up by the House of Assembly, who appointed a committee to inquire into the circumstances of the case and into the state of the gaol. The result of the investigations thus instituted has been to attribute the death of Collins in a great measure to the culpable negligence of the subordinate officers of the gaol, and to charge the sheriff with a violation of his duty in not superintending these subordinate officers with sufficient care, and in neglecting to see that the gaol was kept in proper order. He is also accused of having, in his examination before the committee, shown himself ignorant of the state, keeping, and management of the prison, and of having permitted the existence of various abuses and vicious regulations in the gaol without any attempt to remedy them.

Mr. Gagy commences his defence by complaining that the House of Assembly have attempted to impose upon him more arduous duties than legally belong to his office, many of them appertaining to the gaoler, and he contends that the law requires no more of him than such a general superintendence of the gaol as would produce a salutary control of the subordinate officers. But I cannot discover that the Assembly and Mr. Gagy are at all at variance with regard to the nature and extent of this part of the sheriff's duties.

It is not necessary, nor would it answer any useful purpose to attempt an inquiry into the immediate causes of Collins's death, further than as they involve the question of the alleged culpability of the gaoler, &c., and the inefficiency of the sheriff's superintendence. Confining myself within these limits, I observe that Mr. Gagy refers to the fact of the indictment of the gaoler for the murder of Collins having been quashed; and he contends that as the gaoler has been by that proceeding absolved from culpability, the charge of the Assembly against himself falls to the ground. He proceeds to complain, that the verdict of the coroner's jury rested entirely upon the evidence of three prisoners, who were not only confined on charges of a highly criminal nature, but must have had a natural inclination to vilify the character of the person in whose immediate custody they were placed.

Against the evidence of these prisoners, Mr. Gagy places the affidavits of Dr. Arnoldi and others which accompany his defence. The doctor deposes, that it was about the 1st of December, when attending another prisoner, that he first saw Collins staggering about the ward in which he was confined. That at that time Collins had no specific complaint, but, with a constitution completely worn out, he appeared to be declining so fast that the doctor considered him to be in the last stage of existence, and beyond the reach of medical aid; that his death was not purely ascribable to coldness in the cell, and that the gaol was always sufficiently well warmed. The other depositions referred to speak to a sufficient supply of fuel; and one of them, that of James Spears, who had known Collins for many years, represents him to have been a great drunkard, that his constitution had been ruined by intemperate habits, and that he was subject to fits.

To whatever cause the death of Collins may have been more immediately owing, I am surprised to find that on the evening preceding his death, and when he was so ill as to require the attendance of Dr. Arnoldi, no provision seems to have been made for his comfort during the night. The physician describes him as in the last stage of existence and nearly destitute of clothing, yet he was locked up in the same manner as the other prisoners, without the slightest precaution being taken for securing him any degree of attention, for it appears that he died between one and two o'clock in the morning, and was not found by the officers of the gaol to be dead until six. This one fact in itself is conclusive as to the existence of gross negligence, if not of inhumanity, on the part of the officers of the gaol. It gives much colour to the statement made before the committee by a labourer employed about the gaol as to the brutal treatment of the prisoners by the gaoler, an officer whom all parties, and amongst the rest the sheriff himself, concur in representing as a man of a hasty and violent temper. It is a circumstance, moreover, which could not have occurred in a properly

properly regulated establishment, or among officers who were subjected to any thing like an efficient control.

In proof, however, of his having exercised a vigilant superintendence of the gaol, Mr. Guky refers to the affidavits of Mr. Perry, his chief clerk; of Dr. Arnoldi, the physician to the gaol; of J. Spears, the blacksmith to the gaol; and of J. Glassford, who supplied the gaol with fuel. It may be said that the evidence of parties, whose connexion with the gaol was so much at the pleasure of the sheriff, could hardly be given without considerable bias in favour of that officer, but I am aware that the internal arrangements of such an establishment can only be thoroughly known to those whose occupation leads them constantly there; and I should therefore feel bound to accept the testimony of the four individuals in question as conclusive, did not the tenor of Mr. Guky's own evidence before the committee convince me that his alleged frequent visits to the gaol were made to very little purpose. Of all the most important regulations of a gaol, the degrees of restraint under which the different classes of prisoners are placed, their classification, the means taken to secure their health, and their safe custody; in fact, of the entire system of prison discipline pursued in Montreal gaol, Mr. Guky proves himself to have been in complete ignorance.

Mr. Guky states that he was satisfied with the conduct of the gaoler. It would therefore seem unnecessary to examine that part of his defence in which he claims to be relieved from all responsibility for the conduct of that officer, because appointed by the head of the Government. But on that statement I have to remark, that if Mr. Guky felt any difficulty in enforcing his orders to the gaoler, or had been impressed with a conviction of that officer's unfitness for his duties, his course was a clear one: if it was not in his power to remove him it was his duty to represent the case to the Government.

I remark that Mr. Guky passed by without comment the charge of ignorance shown by him before the committee respecting the state of the gaol. I have already given it as my opinion that that charge is well founded, and it follows that the abuses and vicious regulations to which the Assembly advert, may have existed without his knowledge. He seems, however, to have been perfectly aware of the bad character of the two turnkeys, whose continuance in office is made a special ground of accusation against him by the Assembly. For not dismissing these men, whose infamous character and practices were notorious, he excuses himself by asserting that he had no money with which to pay their arrears of wages, or to provide other turnkeys. Here again it appears to me that his course was clear. If on application to the Government of the province it might not have been possible to furnish him with the means of paying the turnkeys, he would at least, by a representation of their conduct and of the difficulty in which he was placed, have relieved himself from the responsibility of retaining their services.

There are many topics which have arisen out of this investigation to which I have purposely refrained from adverting; to the insecure and general bad state of the gaol, for example, which is no longer a question for discussion, because the necessity for a new building has been admitted and acted upon; to the deficiency of beds and clothing, and other necessities; because, after the sanction which has been given by the Assembly to the supply of such articles of this nature as may be indispensable, your Lordship can no longer have any difficulty in authorizing a compliance with the requisitions which you may receive under this head.

Nor have I entered upon any review of the treatment of the prisoners, their classification, or the general regulations adopted in the gaol, because the restraint to which it has been usual to subject prisoners, and the want of proper means for classifying them, as well as for promoting the salubrity of their apartments, have been all attributed to the insecurity and imperfections of the building, and the accommodations of the new building, will probably permit of a satisfactory remedy to all these subjects of complaint.

But the projected removal to a new gaol points this out as a proper time for instituting a rigorous inquiry into the regulations which are at present observed in Montreal gaol, with a view to the establishment of an unobjectionable system of prison discipline. I leave it to your Lordship to decide in what manner and by whom this inquiry should be prosecuted. But such a new system being established it will remain to be considered whether its operation should be left to the superintendence and control of Mr. Guky. His ignorance of all the internal

Correspondence
respecting
Mr. Guky.

Correspondence
respecting
Mr. Guky.

regulations which have prevailed in the old gaol, his inadequate supervision of the subordinate officers, who are proved to have been exceedingly culpable, and his apparent apathy with regard to the continuance in office of men the most unfit to be employed about a gaol, all incline me to doubt whether His Majesty's Government would be justified in continuing to confide to Mr. Guky the performance of duties, than which, in his capacity of sheriff, he is called to the discharge of, none more important.

When, however, I combine my view of these charges of remissness against Mr. Guky, with the opinion which I have been compelled to express on his conduct in relation to the inquiries of the committee on judicial fees, I confess that I do not see how I should be able, if called on, to defend Mr. Guky's continuance in office. It is with the deepest regret that I arrive at this conclusion with regard to a gentleman so far advanced in life and who has been in the public service for so many years. His claims on these grounds to my respect induce me to pause in instructing your Lordship to resort to a measure which would stain the termination of his official career. But you will acquaint Mr. Guky with the unfavourable view which I have formed of his case, and I have no doubt that he will voluntarily pursue that course which a sense of propriety will at once dictate to him.

If, however, he should show any hesitation in resigning his office into your Lordship's hands, then, with whatever reluctance and pain it is that I convey to your Lordship such an instruction, I must impose on you the duty of intimating to Mr. Guky that His Majesty dispenses with his further services.

I have, &c.

(signed) *Glenelg.*

LOWER CANADA.

REPORTS and CORRESPONDENCE on the subject
of the Charges preferred against Mr. *Guy*.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
1 June 1837.

[*Price 8d.*]

LOWER CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 16 March 1837;—for,

COPY of any Information received from the Earl of Gosford respecting the
DEBT due by Sir J. Caldwell to the Province of Lower Canada; together
with a Copy of the REPORT of a Select Committee of the House of
Assembly of that Province on the same subject.

Colonial Office, Downing Street, }
16 May 1837.

G. GREY.

SCHEDULE.

- No. 1. Copy of a Despatch from Lord Aylmer to Viscount Goderich, dated Castle of St. Lewis, Quebec, 20 February 1833 - - - - - p. 1
- No. 2. Copy of a Letter from Mr. Under Secretary Hay to J. K. Stewart, Esq., dated Downing-street, 16 May 1833 - - - - - p. 2
- No. 3. Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 4 August 1835.—(3 Enclosures) - - - - - p. 2
- No. 4. Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Government House, Montreal, 15 July 1836.—(5 Enclosures) - - - - - p. 5
- No. 5. Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 18 September 1836. - - - - - p. 8

— No. 1. —

COPY of a DESPATCH from Lord Aylmer to Viscount Goderich.

Castle of St. Lewis, Quebec,
20 February 1833.

Correspondence
respecting
Sir J. Caldwell.

My Lord,

I TAKE the liberty of soliciting your Lordship's attention to the proceedings which are still in progress in regard to the affairs of Sir John Caldwell, late Receiver-general of this province, the speedy termination of which proceedings appears to be highly desirable, with a view to the public interest.

About four years ago a judgment was obtained by the Attorney-general of Lower Canada against Sir John Caldwell, as late Receiver-general of the province, for the sum of 90,000 *l.* and upwards, besides interest, being the amount unpaid by him when removed from office. The real estate of Sir John Caldwell was subsequently taken in execution, in satisfaction of this debt, but the sale was prevented by an opposition on the part of his son, Henry John Caldwell, which was afterwards, by the judgment of the Court of Appeals, dismissed; from this judgment Mr. Henry Caldwell instituted an appeal to His Majesty in his Privy Council, and within the time prescribed by law, he has produced a certificate from the clerk of the Privy Council of his appeal having been lodged.

It does not appear from any communication which has been received by the executive government of the province, that any further proceeding has taken place in England towards obtaining the final decision of the Privy Council upon the appeal of Mr. Caldwell. The actual state of this affair must, of course, be within your Lordship's knowledge; and I take the liberty of representing the expediency of bringing it to a termination at the earliest period that circumstances will admit of; for should the death of Sir John Caldwell take place whilst it still remains undecided, new obstacles may be opposed by his heirs to its final adjustment, whereby the public interest cannot fail to be materially affected.

I have, &c.
(signed) Aylmer.

Correspondence
respecting
Sir J. Caldwell.

said respondent John Caldwell, and by virtue of that writ the sheriff seized the seigniori of Lauzon as belonging to him. That upon this being done an opposition *afin d'annuller* was exhibited by Henry John Caldwell, the only son of the said John Caldwell, claiming to be the absolute proprietor of the seigniori of Lauzon in virtue of the bequest made to him thereof by his grandfather, the testator, by his will above set forth. That, at the same time, the appellant having been appointed tutor to the substitution contained in that will, made his opposition *afin d'annuller*, praying that the above-mentioned will of the said Henry Caldwell might be declared good and valid, and that the seigniori of Lauzon might be declared subject to the substitution thereof contained in the said will (testament olographe) of the said Henry Caldwell, and that the seizure thereof at the suit of the respondent, the Attorney-general, might be declared null and void. That to this latter opposition, which is the subject matter of the present appeal, the respondent, the Attorney-general, put in a variety of pleas, and the appellant replied thereto, and produced various documentary evidence; and in order to show at what period the testator made his will, as the same does not bear any date, the appellant produced the original letters patent of the 10th of September 1808, appointing Edward Bowen, Esq., Attorney-general of Lower Canada, the said Edward Bowen being a legatee named in the will of the testator, and therein designated "Edward Bowen, Esq., Attorney-general;" and the testator having died in May 1810 it was thereby established that the will must have been made between the month of September 1808 and the month of May 1810. And the appellant having also proved the same to have been wholly written by the testator himself, and other proceedings having taken place, the cause came on for hearing on the 16th of April 1827, in the Court of King's Bench at Quebec, when the court took time to consider, and on the 13th of June 1827 the following judgment was pronounced: The court, considering that the will of the late Henry Caldwell, Esq., in his lifetime Receiver-general of this province, hath neither been executed according to the laws of Canada nor to the form prescribed by the laws of England, so as to pass the estate or seigniori of Lauzon, it is adjudged and decreed that the opposition of Henry John Caldwell in this cause filed be and the same is hereby dismissed. The court, considering that the will of the late Henry Caldwell, Esq., in his lifetime Receiver-general of this province, hath neither been executed according to the laws of Canada nor to the forms prescribed by the laws of England, so as to pass the estate or seigniori of Lauzon, it is adjudged and decreed that the opposition of William Meiklejohn *es qualites* in this cause filed be and the same is hereby dismissed. That the appellant being advised that the said judgment was contrary to law, he appealed therefrom to the Court of Appeals for the province of Lower Canada, and upon the same coming on for hearing the following judgment was pronounced, 30th July 1828: "The court having heard the attorney-general on behalf of our Sovereign Lord the King, and the other parties by their counsel, it is considered and adjudged that the judgment of the Court of King's Bench for the district of Quebec in this cause, of the 13th day of June 1827, be and the same is hereby confirmed with costs; and it is ordered that the record be remitted to the said Court of King's Bench." That the appellant being advised that the last-mentioned judgment of the 30th of July 1828, as also the judgment of the 13th of June 1827, are contrary to law, prayed leave to appeal therefrom to your Majesty in Council; and having entered into the proper security for prosecuting the same, and the usual order having been made for that purpose, and leave granted accordingly, he has appealed therefrom to your Majesty in Council, and humbly praying that the said judgments of the 13th of June 1827 and 30th of July 1828 complained of and appealed from may be reversed, altered and set aside, with costs, or for other relief in the premises, the Lords of the Committee, in obedience to your Majesty's said Order of Reference, did, on the 7th of December 1833, take the said petition and appeal into consideration, together with a petition of the appellant, setting forth that, subsequently to the adjudications appealed from, certain evidence in the last-mentioned petition particularly mentioned or referred to had been discovered, which the appellant was advised might be material to his case, and humbly praying (amongst other things) that the appellant might, upon the hearing of the said appeal, have such benefit of the said petition as should appear just; and after reading certain affidavits of Mary Hanson, the Honourable Francis Ward Primrose, John Davidson, and Alexander Fraser, the appellant's solicitor, their Lordships were pleased to order (by consent of counsel on both sides) that the appellant should have the benefit of the said petition, and of the facts stated in the said affidavits at the hearing of the appeal, as if the said petition and affidavits had been before the Court of Original Jurisdiction in Lower Canada when the cause was heard by that court. And their Lordships having this day resumed the consideration of the said appeal, and having heard counsel on both sides thereupon, their Lordships do agree humbly to report, as their opinion to your Majesty, that the judgment of the Court of Appeals for the Province of Lower Canada, of the 30th of July 1828, should be affirmed, and the appeal therefrom be dismissed; and, in case your Majesty should be pleased to order accordingly, then their Lordships do direct that the sum of 318 *l.* 17 *s.* 6 *d.* sterling for costs be paid by the appellant to the respondents.

His Majesty having taken the said report into consideration was pleased, by and with the advice of his Privy Council, to approve thereof, and to order, as it is hereby ordered, that the judgment of the Court of Appeals for the Province of Lower Canada, of the 30th of July 1828, be and the same is hereby affirmed, and that the appeal therefrom be and the same is hereby dismissed this Board, with the said sum of 318 *l.* 17 *s.* 6 *d.* sterling for costs; whereof the Governor, Lieutenant-governor, or Commander-in-chief of the province of Lower Canada for the time being, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(signed) W. L. Bathurst.

— No. 4. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

Correspondence
respecting
Sir J. Caldwell.

My Lord,

Government House,
Montreal, 15th July 1836.

ON the receipt of your Lordship's despatch of the 4th of August last, enclosing an order of His Majesty in Council, affirming the decisions of the courts in this province, in regard to the seignior of Lauzon, I lost no time in placing the order in the hands of the attorney-general, with directions to take the necessary steps for giving it effect; but upon learning that if a writ of execution upon the judgments had been immediately issued, the sale of the property must have taken place without delay, and at a great sacrifice, from the necessary absence of competition consequent on the want of sufficient notice, I was induced to postpone the sale until the first of this month, so as to give sufficient time for advertising the property, and to enable persons wishing to become purchasers to make the necessary inquiries and arrangements; in addition to this, as the legislature was then on the eve of meeting, I thought it right to afford the House of Assembly an opportunity of expressing its views on a question intimately connected with the financial interests of the province; nor was I wrong in supposing that this subject would engage their attention. They appointed, in the early part of the year, a special committee for the purpose of inquiring into the state of affairs relating to the defalcation of the late Receiver-general, with an instruction to consider what measures ought to be adopted by the Assembly in order to secure the rights of the province. The committee made its report, (a copy of which is herewith transmitted, enclosure No. 1,) on the 25th of February last, and after stating that in their opinion a sale of the seignior of Lauzon by the sheriff could not be otherwise than prejudicial to the interests of the province, in consequence of the small number of capitalists who could or would invest in the property a sufficient sum of money, they recommended that the offer made to them by Sir John Caldwell, that the seignior of Lauzon should be taken in full discharge of whatever was due from him to the province, should be accepted; and they requested leave to bring in a bill for that purpose. The House did not concur in the recommendation of the committee, but they permitted a bill to be introduced, wherein, after a recital that it would be advantageous to the province to acquire the seignior of Lauzon at the intended sheriff's sale, in case no bidding should be made approaching the real value of the seignior, three persons, two of whom were members of the Assembly, were appointed to purchase the seignior on behalf of the province. This bill, a copy of which I have the honour to enclose for your Lordship's information, was passed by the Assembly, but did not meet with the concurrence of the legislative council, and consequently the management of the matter still rests with the executive government.

No. 1.

No. 2.

I may here observe, that an offer to purchase the seignior for 150,000*l.*, payable in three equal instalments, was made to Sir John Caldwell at the latter end of December last, by a gentleman of the United States, on behalf of himself and others, which was referred to me for approval, and which I should have accepted had the parties agreed to the conditions I thought it right to insist on, namely, that the debt due to the Crown should be paid up in two instalments, one of 50,000*l.* on the 10th of May last, and the balance on the 10th of May 1838, with interest in the meantime at six per cent., to be secured on the property. I enclose copies of the correspondence on this subject, Nos. 3, 4, and 5. From circumstances not in my knowledge this arrangement did not take place, but the proposal proves how valuable the seignior is considered even by the inhabitants of the neighbouring states. It certainly possesses great advantages, both in its position and capabilities. Situated on the southern bank of the St. Lawrence, immediately opposite to the city and harbour of Quebec, and comprising an extent of territory of 36 square leagues, it is peopled by a numerous tenantry, and enjoys unusual facilities in mill streams and other conveniences for an extensive and lucrative trade in timber.

Nos. 3, 4, 5.

Notwithstanding the intrinsic value of the property, all the information I could collect led to the belief, that, if disposed of at the present moment by sheriff's sale it would not, from the dearth of competition, the great depression of the money market, and the prompt payment in one sum, required at such sales,

Correspondence
respecting
Sir J. Caldwell.

realize a sum nearly equal to the amount of the debt due by Sir John Caldwell; and as it was evidently the wish of the Assembly, in their late session, that the property should not be sacrificed, and being moreover aware, from certain communications I had with several members who took a prominent part in the management of this matter while it was before the Assembly, that a further postponement of the sale, until after their next meeting, would be acceptable to that body, in order to afford another opportunity for satisfactorily adjusting this long pending question, I thought it advisable on all these grounds to countermand the sale. It did not therefore take place on the 1st of July, and my present purpose is to fix on some other day sufficiently distant to enable the Assembly, if they think proper, again to take the subject into their consideration, and I hope the difficulty will be finally disposed of during their next session. In the meantime I have, with the consent and at the request of Sir John Caldwell, appointed a receiver to collect, on the part and for the use of the province, the rents and profits of the seigniory; and I have only to add that the arrangement entered into with Sir John, under the authority of the Treasury Minute of the 9th of March 1826, (enclosed in Earl Bathurst's despatch of the 21st of that month,) by which that gentleman was allowed to continue in possession of Lauzon, on condition of paying an annual sum of 2,000 *l.*, is now at an end, and that all the rent accruing under that stipulation has been fully paid up to the 14th day of December last, when the arrangement terminated.

The amount due from Sir John to the Province and to the Jesuits' estate at the present time, is between 81,000 *l.* and 82,000 *l.* sterling. The Assembly, however, make it much more by calculating interest on the sum due to the Province, although by the terms of the judgment it does not bear interest.

I have the honour to be,

My Lord, your most obedient servant,

Gosford.

Enclosures in No. 4.

(No. 1.)

Report of the Special Committee appointed for the purpose of inquiring into the present state of the Affairs relating to the Defalcation of the late Receiver-general, John Caldwell, with an instruction to consider what measures ought to be adopted by the House of Assembly, in order to secure the rights of this Province.

YOUR Committee have referred to those parts of the journals of your Honourable House which relate to the defalcation of John Caldwell, Esq., in his quality of receiver-general of this province, and have minutely considered the Report of the Special Committee appointed during the session of the year 1834 to inquire into the matter aforesaid. Your Committee have also examined, with the most scrupulous attention, all the records of the proceedings in the Court of King's Bench in the several actions brought against the said John Caldwell, Esq., heretofore receiver-general of this province, and are of opinion that the judges who pronounced the judgment, without interest, in the cause number 655, are alone responsible for this violation of the laws in force in this country; and this opinion is conformable to the Report of the Committee of 1834. Nevertheless, your Committee are fully convinced that although the said judgment was given without interest, the laws of the country are so positive on this point that the province has an incontestable right to the said interest, of which right nothing can deprive it. Your Committee have seen, by advertisements inserted in the Gazette by authority, that the seigniory of Lauzon, the sole remaining portion of the immoveable property belonging to the said John Caldwell, Esq., is to be sold by sheriff's sale on the 1st of July next, and are of opinion that a sale of that kind could not be otherwise than prejudicial to the interests of this province, on account of the small number of capitalists who could or would invest in the said property a sufficient sum of money to pay anything near the amount due to the province by the said John Caldwell, Esq. Your Committee having also learnt that the property of the said John Caldwell, Esq., is liable to some other hypothecations, are of opinion that these latter cannot affect the rights of the province, which has a privileged hypothecation preferable to every other debt due by the said John Caldwell, Esq.

It is with the greatest regret that your Committee perceive the innumerable difficulties which must arise in the discussion of a question of this importance, and which might be removed if your Honourable House were disposed to listen favourably to certain offers and proposals made to your Committee on the part of the said John Caldwell, Esq. This circumstance has induced your Committee to ascertain, by the evidence of Messrs. Bowen and Tétu, the first being the bearer of a notarial power of attorney from the said John Caldwell, Esq., now in the United States, and the latter being in correspondence with him; that the

said

said John Caldwell, Esq., is disposed to give up, and even requests your Honourable House to accept, in payment of the balance now due from him to the province, the said seigniory of Lauzon, which he is ready to make over provided a full discharge be given him of the whole debt due by him, both principal and interest. On which proposals your Committee, after a minute examination, and after having obtained sufficient exact information as to the yearly value of, and the improvements which are continually taking place in the said seigniory, of which a plan and statistical account accompanies this Report, are of opinion that, for the sake of cutting short a great number of litigious difficulties, and of avoiding the enormous expenses which always attend a sheriff's sale, and the great sacrifice which such sale would cost the province, it would be expedient to listen favourably to the proposal made by the said John Caldwell, Esq.

In consequence of the opinion they have thus announced, your Committee request that leave be given them to bring in a Bill for the purposes aforesaid.

The whole, nevertheless, humbly submitted.

25 February 1836.

(signed) L. T. Besserer, Chairman.

Correspondence
respecting
Sir J. Caldwell.

(No. 2.)

Bill to provide for the appointment of Commissioners to bid at the Sale of the Seigniory of Lauzon, by the Sheriff, and for other purposes therein mentioned.

Most Gracious SOVEREIGN,

WHEREAS it would be advantageous for the province to acquire the property of the seigniory of Lauzon when the same is sold by the sheriff, in case no bidding should be obtained to an amount approaching the real value of the said seigniory; may it therefore, &c., and be it enacted, &c., that Louis Theodore Besserer, Hector Simon Huot, and William Henderson, Esquires, of the city of Quebec, shall be Commissioners for carrying this Act into effect, that is to say, to bid at the sale of the said seigniory of Lauzon by the sheriff, if in their opinion and judgment the biddings then made and offered should not be for an amount nearly equal to the value of the said seigniory, and in such case to become the purchasers of the said seigniory of Lauzon, for and on behalf of the province at such sale; and the said Commissioners shall, after the adjudication, if the said seigniory should be adjudged to them in their said quality, administer the affairs of the said seigniory until the session of the provincial Parliament next after such adjudication; and shall likewise cause plans to be made of the different subdivisions which might be made for the purpose of effecting a sale of the said seigniory in different portions, if it should be deemed necessary or advantageous to sell the same, and shall report to the House of Assembly of this province within the first 15 days of the session aforesaid.

2. And be it, &c., that it shall be lawful for the person administering the Government of this province to advance to the said Commissioners, by warrant under his hand, and out of any unappropriated monies in the hands of the receiver-general, a sum not exceeding 500*l.* currency to meet the necessary expenses occasioned by the purchase of the said seigniory, and the making of the said plans, and also the necessary expenses of causing such work to be done and such precautions to be adopted as may be requisite to prevent the accidents which might otherwise arise from the spring floods to the several works and constructions in the said seigniory; and the said Commissioners are hereby authorized to cause such work as aforesaid to be performed, and for that purpose to enter into and upon the said seigniory, and the works and constructions aforesaid.

3. And be it, &c., That if the said seigniory should be purchased by the said Commissioners, the sheriff of the district of Quebec shall not be entitled to any commission or poundage on the price for which the same shall be sold.

4. And be it, &c., That every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sum advanced to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the receiver-general, and that every such account shall be supported by vouchers, therein distinctly referred to by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the 10th day of April and 10th day of October in each year, during which, such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench, or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account within 15 days next after the expiration of the said periods respectively.

5. And be it further enacted, &c., That due application of the monies appropriated by this Act shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors, shall direct, and that a detailed account of the expenditure of all such monies shall be laid before the several branches of the provincial legislature within the first 15 days of the next session thereof.

Correspondence
respecting
Sir J. Caldwell.

(No. 3.)

Sir John Caldwell,

Portland, 29 December 1835.

UNDERSTANDING the seigniori of Lauzon in Lower Canada, belonging to you, is for sale, and knowing of a number of persons who would join me in the purchase, should they be convinced, after having made all the necessary inquiries respecting its value, it would be a bargain, I am willing to go to the expense of making the inquiry on condition you give me a bond of the property until the 10th of May next, my paying you at that time 200,000 dollars, 200,000 more in two years, and the remaining 200,000 in four years, making, in the whole, 600,000; the title to be satisfactory. Should you conclude to give me the refusal, as above requested, you will please to remit it as soon as convenient.

Yours respectfully,
(signed) *Stephen Cummings.*

(No. 4.)

Sir,

Tremont, Boston, 31 December 1835.

I HAVE to acknowledge the receipt of your letter from Portland, 29 December, in which you ask for a bond of the seigniori of Lauzon on condition of paying 600,000 dollars for said seigniori; 200,000, as I understand it, on or before the 10th May, in Quebec; 200,000 in two years, and remaining 200,000 in four years. I beg, in reply, to observe that, from the peculiar situation in which I stand in respect of the Government of Lower Canada, I cannot make any such arrangement without their approval. I shall write immediately for the same, and on receiving it will give you instant communication thereof.

I am, Sir, your obedient servant,
Dr. Cummings, Portland Maine. (signed) *John Caldwell.*

(No. 5.)

Sir,

Castle of St. Lewis, Quebec, 16 January 1836.

IN acknowledging the receipt of your letter of the 31st ultimo, transmitting a proposal from Dr. Stephen Cummings, of Portland Maine relative to the purchase of the seigniori of Lauzon, together with a copy of your answer thereto, I am directed to acquaint you in reply, that the Governor-in-chief having given to Dr. Cummings's proposal that consideration which its importance demands, and being desirous of affording you every advantage in his power, in the disposal of the property, consistent with the public interest, his Excellency will not object to give the necessary orders to confirm an arrangement with Dr. Cummings, subject to the following conditions:—That the amount of the debt which may be due by you to the Crown on the 10th day of May next shall be paid up in two instalments, one of 50,000*l.*, or 200,000 dollars, and the other to comprise the balance which may remain due after the payment of that sum.

The first instalment to be paid on the 10th of May next, and the second to be paid on or before the 10th of May 1838, and to bear interest from the 10th of May next, at six per cent. per annum, payable half-yearly.

When the first instalment of 50,000*l.* shall have been paid, satisfaction will be entered upon the judgment to that extent, but the judgment will remain in force as to the balance of the debt due to the Crown, with interest as above, until the whole has been fully discharged. If the interest on the balance be not punctually paid the Government may seize and sell for the interest and balance.

Under and subject to these conditions a conveyance of the property may be made by you, and a *main levée* shall be granted until the 10th of May 1838, when, if the debt and interest, as above, be fully and regularly paid the judgment will be entirely vacated.

I have, &c.,
(signed) *S. Walcott.*

— No. 5. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 18 September 1836.

I HAVE the honour to acknowledge your despatch of the 15th July, No. 79, detailing the steps which you have taken with reference to the seigniori of Lauzon,

in consequence of the decision of the Privy Council on the appeal respecting that property. It seems only necessary for me at present to express my approbation of the course which you have pursued. The delay in the sale of the property appears to have been fully justified by a consideration of public interests. I should, indeed, have been happy to have learned that the measure contemplated by the House of Assembly for disposing of it at an adequate price had been completed, but as that was not the case I approve of your having again postponed the sale. If, however, no steps should be taken on the subject by the Assembly during their next session, it would, I think, be advisable not to incur any further delay. I do not, however, convey to you any positive instructions on that point, because I am aware that the selection of the time and conditions of the sale must depend, in great measure, on local and temporary circumstances; but in committing the matter to your discretion, I would beg to impress on you the anxiety of His Majesty's Government to bring this long pending and embarrassing question to an early and satisfactory conclusion.

I have, &c.
(signed) *Glenelg.*

Correspondence
respecting
Sir J. Caldwell.

LOWER CANADA.

COPY of any Information received from the Earl of Gosford respecting the Debt due by Sir J. Caldwell to the Province of Lower Canada; together with a Copy of the Report of a Select Committee of the House of Assembly of that Province on the same subject.

(*Mr. Robuck.*)

*Ordered, by The House of Commons, to be Printed,
1 June 1837.*

//h/
/

LOWER CANADA.

RETURN to an ADDRESS from the Honourable The House of Commons,
dated 16 March 1837;—for,

COPY of a REPORT of a Select Committee of the House of Assembly of
Lower Canada, respecting Mr. *Chisholme*, Clerk of the Peace for Three Rivers,
and any CORRESPONDENCE between the Earl of *Gosford* and Lord *Glenelg*,
on the subject of the Charges preferred against Mr. *Chisholme*.

COPY of a REPORT of a Select Committee of the House of Assembly of
Lower Canada, respecting Judge *Fletcher*, and of any CORRESPONDENCE
between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges
preferred against that Judge.

Colonial Office, Downing-street, }
2 May 1837. }

G. GREY.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
3 May 1837.

[*Price 1 s. 2d.*]

SCHEDULES.

CHARGES AGAINST MR. CHISHOLME.

- No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Government-House, Montreal, 12 August 1836.—(Four Enclosures) - - - - - p. 1
- No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 29 November 1836 - - - - - p. 60
- No. 3.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 31 October 1836.—(Twelve Enclosures) - - - - - p. 63
- No. 4.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 8 December 1836 - - - - - p. 79
-

CHARGES AGAINST JUDGE FLETCHER.

- No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Government-House, Montreal, 9 July 1836.—(Six Enclosures) - - - - - p. 80
- No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 22 August 1836 - - - - - p. 102
- No. 3.—Copy of a Letter from Lord Glenelg to the Lord President of the Council, dated Downing-street, 27 August 1836 - - - - - p. 103
-

CHARGES AGAINST MR. CHISHOLME.

COPY of a REPORT of a Select Committee of the House of Assembly of *Lower Canada* respecting Mr. *Chisholme*, Clerk of the Peace for Three Rivers, and any Correspondence between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Chisholme*.

SCHEDULE.

- No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Government-House, Montreal, 12 August 1836.—(Four Enclosures) - - - - - p. 1
 No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 29 November 1836 - - - - - p. 60
 No. 3.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 31 October 1836.—(Twelve Enclosures) - - - - - p. 63
 No. 4.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 8 December 1836 - - - - - p. 79

— No. 1. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord, Government House, Montreal, 12 August 1836.

THE House of Assembly having in its last Session addressed me for the removal of Mr. Chisholme from his office of clerk of the peace for the district of Three Rivers, and of all other places of confidence in the province, I deem it advisable to pursue the same course in this instance that I have adopted with regard to several other of the public officers who have been accused by the Assembly, and to transmit for your Lordship's consideration all the information and documents in my possession connected with this case. The documents are, the Address of the House, my Answer thereto, the Third Report of the Special Committee appointed to inquire concerning Fees and Emoluments received by the Sheriffs and other Officers connected with the Civil and Criminal Courts of Judicature in this Province, with the Evidence on which it is founded, and the Defence of Mr. Chisholme, with the several documents (4 in number) which accompanied it.

The accusation against Mr. Chisholme is that he has been in the habit of framing indictments on verbal information only, and on depositions which do not contain facts to substantiate the crimes forming the subject of the prosecution, whereby, and with the sordid and corrupt view of increasing his emoluments, he has been guilty of oppression towards the subjects of His Majesty, and of fraud towards his government in this province, and of high misdemeanors and malversation in his office.

It is stated in the report of the committee, which was concurred in by the House, that Mr. Chisholme was appointed clerk of the peace for the district of Three Rivers in the month of November 1826; that since that time about one-fifth at least of the indictments presented to the grand jury of the court of quarter sessions for the district have been framed by him on verbal and unsworn information; and that for some years past indictments for common assaults have, in almost all

Correspondence
respecting
Mr. Chisholme.

Enclosure, No. 1.
Enclosure, No. 2.
Enclosure, No. 3.

Enclosure, No. 4.
(A), (B), (C), (D).

Correspondence
respecting
Mr. Chisholme.

instances, contained two counts, one for simple assault, and the other for an assault with intent to murder; whilst previously, indictments containing the latter count were of very rare occurrence; and the committee attribute this practice, namely, the insertion of the latter count, to a corrupt desire on the part of Mr. Chisholme to increase his emoluments, inasmuch as on each indictment for a crime, other than a simple assault, the clerk of the peace receives 6s. 8d. from government, and an additional 13s. 4d. when the trial takes place, besides fees on subpoenas and bench warrants; and they urge in support of these charges, that in the five years which preceded 1831, there were only five indictments preferred for assault and battery with intent to murder; while for the last five years, out of 89 indictments submitted to the grand jury, all but five contained a count to that effect; and further, that only six persons were found guilty of the crime as laid in the indictment.

It will be unnecessary for me to go into the details of Mr. Chisholme's defence, or to do more than to state one or two of the most prominent points in it.

He has transmitted for my information, as part of his defence, a list (marked A.) certified upon oath by the compiler (Mr. Fearon, the interpreter of the criminal court at Three Rivers) of all indictments that since his appointment in November 1826, have been laid before the grand jury of the quarter sessions for the district. The whole number from that time, a period of nine years, he states to be 538, of which only 83 can be discovered to have been drawn without previous information in writing under oath. That in 70 out of the 83 excepted cases, the grand jury found true bills, and that the remaining 13 indictments were preferred at the suit of constables and other public officers, whom he conceives entitled to at least such a degree of credit as would justify the preferring a bill of indictment without the previous ceremony of taking down the information in the shape of written depositions; and he further states, that in laying indictments before the grand jury without observing such preliminary ceremony, he saved the province 17. on each case, diminishing, at the same time, his own emoluments.

To rebut a statement in the report of the committee, that, of the indictments framed on unsworn verbal information, few have been followed by convictions, Mr. Chisholme refers again to the certified list (A.), from which it appears that at least 30 convictions have ensued on indictments thus framed, being nearly one-half of the true bills found by the grand jury; and he adds, that as compared with the number of convictions on indictments framed on written information, this is in the proportion of at least five to one. In another part of his defence he calls my attention to a clerical or typographical error in that portion of his evidence before the special committee, which states that he did not think it was consonant with law to prefer indictments upon verbal information, whereas his answer, as he alleges, was, "that he did not know that it was consonant," &c.

I felt it right to place all the documents connected with the accusation and defence of Mr. Chisholme before the Attorney and Solicitor-general of the province, in order to ascertain whether any part of the charges of the Assembly against that gentleman involved matter cognizable by a court of law; but the law officers of the Crown have reported that there is no law point arising in the case upon which they could offer any advice. In these circumstances I have caused Mr. Chisholme to be informed that I should reserve the matter for the decision of His Majesty's Government, and refer all the proceedings to the Secretary of State for the Colonies. He therefore continues to perform the duties of clerk of the peace and coroner for the district of Three Rivers, subject to the expression of His Majesty's pleasure.

I have, &c.
(signed) Gosford.

Enclosures in No. 1.

Enclosure 1, in No. 1.

House of Assembly, Saturday, 20th February 1836.

RESOLVED, That David Chisholme, esq., clerk of the peace for the district of Three Rivers, by persisting for many years last past in framing indictments on verbal information, and on depositions which do not contain facts to substantiate the crimes which formed the subject of the prosecution, has been guilty of oppression towards the subjects of His Majesty, of fraud towards his Government in this province, and of high misdemeanors and malversation in his office, and that with the sordid and corrupt view of increasing his emoluments.

Resolved,

Resolved, That by his conduct the said David Chisholme, esq., clerk of the peace for the district of Three Rivers, has, inasmuch as in him lay, brought the administration of criminal justice in the court of quarter sessions for the district of Three Rivers into dishonour and contempt; that he has been guilty of high misdemeanors, and is unworthy of the confidence of His Majesty's Government.

Resolved, That for the reasons abovementioned, it is expedient that an humble address be presented to his Excellency the Governor-in-chief, praying that it may please him to make use of the powers with which he is vested, and dismiss the said David Chisholme, esq., from the office of clerk of the peace for the district of Three Rivers, and of all other places of confidence in the province, and hereafter not appoint him to any office of trust herein.

Ordered, That Mr. Barnard, Mr. Kimber, Mr. De Tonnancour and Mr. O'Callaghan do present the said address to his Excellency the Governor-in-chief.

Attest,
(signed) *W. B. Lindsay*, Clerk Assembly.

Enclosure 2, in No. 1.

Gentlemen,

I REQUEST you will acquaint the House of Assembly, in answer to this Address, that as soon as I shall have received from Mr. Chisholme such defence as he may have to make to the grave charges preferred against him by the House, I shall without loss of time adopt such measures as the case may require.

Castle of St. Lewis, Quebec, 2 March 1836.

Enclosure 3, in No. 1.

THIRD REPORT.

THE Special Committee appointed to inquire concerning the fees and emoluments received by the sheriffs, prothonotaries and criers of the court of Appeals, and of the courts of King's Bench, of this province, by virtue of their respective offices; with an instruction to inquire also concerning the fees and emoluments received by the attornies, clerks of the peace, and by the other officers of civil and criminal courts of judicature in this province, by virtue of tariffs made by the said courts; and, generally, concerning all fees and emoluments received by virtue of tariffs made by the said courts, either under the 17th section of the Act passed in the 41st year Geo. 3, c. 7, or otherwise; and to whom were also referred the income returns of the sheriffs, prothonotaries, and of the clerk of the court of Appeals for the years 1830, 1831, 1832, 1833 and 1834, have the honour to make the following Report concerning the clerk of the peace for the district of Three Rivers:

Your Committee having examined David Chisholme, esq., the clerk of the peace for the district of Three Rivers, deem it necessary, from the tenor of his evidence, to call the attention of your Honourable House to the system which has prevailed since the accession of Mr. Chisholme to office.

Mr. Chisholme was appointed in November 1826. It appears that since that time about one-fifth at least of the indictments laid before the grand jury of the court of quarter sessions for the district have been framed by him, on information, not under oath, and verbally given to him, principally by his clerk, the high constable and the petty constable. His clerk, whose name is John Campbell Fearon, is also interpreter of the courts at Three Rivers, and as such has, by order of the magistrates, assisted the grand jury of the quarter sessions at their private sittings. The name of the high constable is Philip Burns.

Mr. Chisholme has declared to your Committee, that he has no means of ascertaining in what cases, and by whom, such information was given to him; and that the indictments framed thereon have been followed but by few convictions.

Your Committee refer your Honourable House to the evidence of one of the clerks of the peace for the district of Quebec, establishing that the practice to frame indictments on verbal information does not exist in that district; nor does it, in the opinion of your Committee, exist in any other part of the province. Your Committee have, moreover, to express their opinion that, even on the supposition that a Crown officer acts justifiably in framing, sometimes and under peculiar circumstances, indictments on verbal information, the doing so systematically is illegal and vexatious; and that it has been rendered particularly so in the present instance, independently of the fact already stated, that convictions have seldom ensued on indictments framed on such verbal information.

Your Committee cannot do otherwise than express their surprise that a practice contrary to law, and attended with consequences manifestly injurious to the whole community, should have been followed, for a number of years, by a public officer who has thus exposed the subjects of His Majesty to the dangers, the expense and shame of a prosecution for crimes of which, in most cases, they have been declared innocent by a jury of their country, without having the means of punishing their accusers.

Correspondence
respecting
Mr. Chisholme.

Your Committee have, moreover, to express their surprise, that the inferior officers of the court of quarter sessions at Three Rivers, since the accession of Mr. Chisholme to office, have acted the part of spies and informers, and that they have thus secretly, and without any responsibility on their part, caused many innocent persons to be wrongfully accused.

It also appears that, for some years past, and particularly for the last five years, indictments for assault and battery have, in almost all instances, contained a count for an assault and battery with an intent to murder, and that, previously, indictments containing such a count were of very rare occurrence.

This circumstance giving necessarily reason to suppose that the brawls and disputes which have occurred of latter years, in the district of Three Rivers, have been nearly all marked with a degree of ferocity, which the intent to commit the atrocious crime of murder must suppose, could not but particularly arrest the attention of your Committee. Unless otherwise explained, such a circumstance would induce your Honourable House, and the province in general, to come to the conclusion, that the mild and peaceable habits which happily form the character of the inhabitants of Lower Canada, and of the district of Three Rivers in particular, have, in that district, almost instantaneously been changed for the worse, to the alarming degree that, with few exceptions, every quarrel, generally of such petty consequence in the other sections of the province, has been there, for several years past, attended with violence and a thirst for blood.

Your Committee, however, after examining the depositions upon which the indictments which have been laid before the grand jury have been framed, and the other documents produced to your Committee, see nothing to authorize the supposition, that the broils which have arisen in the district of Three Rivers are at all different from those which occur elsewhere in the province.

Your Committee beg to refer, in this respect, to that part of the testimony of Mr. Chisholme in which he owns, that many depositions which he has produced contain nothing to render him justifiable in having framed thereon indictments for assault and battery with an intent to murder. It is proper to remark to your Honourable House, that Mr. Chisholme has given, as his justification for having done so, that, independent of the facts as stated in these depositions, he probably received verbal information upon which he framed such indictments.

Your Committee refer also your Honourable House to the evidence of the Attorney-general of the province, and of such of the clerks of the peace who were examined on the subject. They declare that they would not consider themselves justifiable in framing indictments for assault and battery with an intent to murder, on depositions complaining of a simple assault and battery, or on verbal information of facts not stated in depositions submitted to them.

Your Committee find that many of the depositions produced by Mr. Chisholme contain the assertion, that the lives of the persons who made them were in danger, although the facts stated in the depositions authorise, in very few of the cases, such assertions. To explain this circumstance, it suffices perhaps to remark, that the greater part of these persons did not understand the language in which the depositions are written, Mr. Chisholme not being sufficiently acquainted with the French language to prepare in that, the depositions which he is in the habit of receiving.

In the five years which preceded the year 1831, there were only five indictments in all for assault and battery with an intent to murder, while your Committee find that, of 89 indictments submitted to the grand jury for the last five years, 84 have contained the count that the offence has been committed with the intent to murder. Of this number but six persons have been found guilty of the crime as laid in the indictment.

Many of the persons accused have not taken their trial when the indictment has been reduced by the finding of the grand jury to simple assault. The reason given by Mr. Chisholme is, that in these cases he does not proceed to trial unless his fees on the proceedings, subsequent to the finding of the bills, are assured to him by the private prosecutor; and he added, that in many cases the latter had paid him such fees. Your Committee having directed him to lay before them a list of such cases; he undertook so to do. This order not being complied with, your Committee were under the necessity of directing him to come down from Three Rivers a second time. Mr. Chisholme, on his second examination, stated that he could not produce the list demanded, because he was never paid any fees by the private prosecutor. Being asked how he explained the contradiction between this statement and his remarks on the former occasion, he was not able to do so in a satisfactory manner, and has thus, in the opinion of your Committee, been guilty of a manifest contradiction, and of a wilful misrepresentation of facts.

Your Committee have also found that, up to the year 1829, indictments for assault and battery, and proceedings thereon, formed part of the sentence pronounced against defendants when found guilty. A period was put to this practice by decisions of the court of King's Bench, condemning the clerk of the peace and the other officers of the court of quarter sessions to pay back these costs. It is this circumstance which, in the opinion of your Committee, explains the progressive decrease, from that time, of the indictments for assault and battery, for which the clerk of the peace has been since paid by the private prosecutor, and the progressive increase of indictments for assault and battery with an intent to murder, on which the clerk of the peace is paid by Government.

On each indictment for a crime other than simple assault, the clerk of the peace receives 6s. 8d. from Government, and 13s. 4d. more when the trial takes place, besides fees on subpoenas and bench warrants. This circumstance forms the explanation of the whole system which has been acted upon by Mr. Chisholme since his accession to office. He has, in the

the opinion of your Committee, for the sordid and corrupt motives of lucre and gain, harassed and vexed the faithful subjects of His Majesty, and has unjustly exposed them to the expense, shame and disgrace attendant upon criminal prosecutions. In consequence, your Committee have deemed it necessary to accompany the present Report with the following resolutions :

Correspondence
respecting
Mr. Chisholme.

1. Resolved, That it is the opinion of this Committee, that David Chisholme, esq., clerk of the peace for the district of Three Rivers, by persisting, for many years last past, in framing indictments on verbal information, and on depositions which do not contain facts to substantiate the crimes which formed the subject of the prosecution, has been guilty of oppression towards the subjects of His Majesty, of fraud towards His Government in this province, and of high misdemeanors and malversation in his office, and that with the sordid and corrupt view of increasing his emoluments.

2. Resolved, That it is the opinion of this Committee, that by this conduct the said David Chisholme, esq., clerk of the peace for the district of Three Rivers, has, inasmuch as in him lay, brought the administration of criminal justice in the court of quarter sessions for the district of Three Rivers into dishonour and contempt; that he has been guilty of high misdemeanors, and is unworthy of the confidence of His Majesty's Government

3. Resolved, That it is the opinion of this Committee, that for the reasons above mentioned it is expedient that an humble address be presented to his Excellency the Governor-in-chief, praying that it may please him to make use of the powers with which he is vested, and dismiss the said David Chisholme, esq., from the office of clerk of the peace for the district of Three Rivers, and of all other places of confidence in the province, and hereafter not appoint him to any office of trust herein.

The whole nevertheless humbly submitted.

22 January 1836.

(signed) *Edward Barnard*, Chairman.

MINUTES OF EVIDENCE.

Wednesday, 9th December 1835.—*LOUIS HYPOLITE LAFONTAINE*, Esq., in the Chair.

David Chisholme, Esq., called in; and Examined.

1. Are you not the clerk of the peace for the district of Three Rivers, and when were you appointed?—I am, and was appointed the 11th November 1826.

2. Please state what are the duties of the clerk of the peace?—My duty is to attend at the peace-office, and to perform all police services therein, and to attend as the clerk of the weekly and quarter sessions of the peace.

3. Do you receive any and what salary as such clerk of the peace?—I do not; my emoluments are derived from fees established by a tariff made by the justices of the peace in general quarter sessions of the peace, and by another tariff, made, as I understand, by the executive, both which tariffs I produce. I also produce the tariff regulating the fees of the grand voyer, made by the said justices of the peace.

4. In virtue of what authority are established the tariff or tariffs made by the magistrates?—The tariff for the clerk of the peace and attornies, constables and criers, is made in virtue of the Act of the provincial legislature, 41 Geo. 3, c. 7. I am not aware by what authority the said tariff made by the executive was made.

5. Do the fees established by such tariffs extend to the duties and acts done out of the courts of quarter sessions and of the peace?—The fees established by such tariffs are applied to my duties as clerk of the peace, performed both in the peace-office and in the sessions of the peace.

6. Since you have been in office have you claimed and received the fees established by the tariff which you conceive was made by the executive government?—I have charged them to the executive government.

7. Have you not received fees from individuals under the said tariff?—Never; that tariff applies only to criminal prosecutions instituted on the part of the Crown, such as larceny and petit larceny, and all cases of misdemeanors, except simple assaults and batteries.

8. Does that tariff apply to proceedings for simple assault and batteries?—It does not.

9. What is the average annual amount of fees for services done out of the courts since you have held the said situation?—The average may amount to about 60*l.* per annum for services performed out of the sessions, and I produce a statement showing the amount for the last four years; but I have not kept copies of the detailed accounts to which that statement refers.

10. What fees do you receive on certificates for licences, and in virtue of what authority?—I produce a statement showing the number of such certificates and the amount of such fees, and I receive them in virtue of the said tariff made by the justices of the peace.

11. Does that statement include fees on licences for ferries and pedlars?—Yes.

12. What fee do you charge and receive on certificates granted to tavern-keepers, when they have given security to enable them to have their licences?—I receive 3*s.* 6*d.*

13. Are you not aware that by the sixth clause of 35 Geo. 3, c. 8, the clerk of the peace is not entitled to more than 2*s.* 6*d.* for granting the said certificate to tavern-keepers?—I am not; I took the fees that my predecessor took for the certificates, on the authority of the said tariff made by the justices of the peace.

14. Are there any cases in which you receive other fees than the said sum of 3*s.* 6*d.* on

Correspondence
respecting
Mr. Chisholme.

licences for ferries and pedlars, or other persons, and please detail such cases and fees?—When pedlars and ferrymen make applications for a licence, they pay a fee of 7s. 6d. for each application, and the former pay 1s. for the fee for administering the oath of allegiance on their being first licensed.

15. Is it voluntary on the part of persons wishing to obtain such licence to dispense with making such application, and can he get such licence without making such application?—Ferrymen can, but not pedlars. I have been instructed by the provincial secretary to issue licences to ferrymen whenever applied for.

16. Do you conceive that the persons who apply for licences as ferrymen are aware that there is no necessity for making such application?—I believe they are.

17. Do not persons obtaining licences for ferries pay you fees for tariffs with which you furnish them?—Yes, they do when they first get their licences. By an Ordinance, the justices of the peace are authorized to make rules and regulations with respect to ferrymen; and in the rules made by the justices of Three Rivers there is one which authorizes the clerk of the peace to receive a fee of 10s. or 10s. 6d. for each copy of such rules and regulations. In these rules and regulations are included the tariff which both the ferryman and myself receive.

18. Does the person obtaining such licence pay you for more than one copy of such rules and regulations, including such tariff?—No.

19. Not when they obtain a licence to ferry over both sides of the river?—In that case they take two licences.

20. When they take two licences, do they pay you the fees on each?—They do.

21. In what case is the same person forced to take two licences?—There are no cases in which the same person is compelled to take two licences, his doing so being optional; but he runs the risk of being prosecuted, if he has not two.

22. Could you state what law makes him liable to prosecution, if he has not two licences?—There is a rule made by the justices of the peace on this subject, but I do not recollect the terms of it. I will furnish the committee with a copy.

23. Has the custom of the same person taking two licences prevailed since your accession to office, and did it prevail before?—In very few instances since my accession to office; and the rule with regard to ferrymen will show when the system commenced.

24. Do tavern-keepers ever pay you any other fee than the said sum of 3s. 6d. on their obtaining a licence?—When they get their licence for the first time, they pay 1s. for administering to them the oath of allegiance. The tavern-keepers in town, before they obtain a licence for the first time, are obliged to make an application for the same to the justices, for which they pay me a fee of 7s. 6d.

25. Do they renew this application every year?—No.

26. What law imposes the obligation of making such an application?—I cannot say.

27. How do you then account for their making such an application, there being no law which to your knowledge renders such an application necessary?—When an application is made, it is given to me for the purpose of being laid before the justice of the peace.

28. Do you conceive that if a person in town applied verbally for a licence, it would be refused him, unless he produced a written application?—It would.

29. Do you receive fees when tavern-keepers in the country give security before the magistrates there; if so, for what services do you receive such fees, and in virtue of what authority?—For the certificates only; when such security is given, the bond is returned to me, and I certify that the tavern-keeper is duly licensed, for which certificate I receive 3s. 6d.

30. When a warrant is issued to arrest a person for a misdemeanor, who pays for the taking of the deposition and of the warrant?—In every case, except in simple assault and battery, by the government.

31. In cases of assault and battery, who pays for such deposition and warrant?—The party applying for them.

32. Are the sums so paid by the person applying for them reimbursed, if the complaint be well founded?—No, whether the complaint is well or ill founded.

33. Is not the necessity of a person assaulted paying for the deposition and warrant calculated to prevent persons, more particularly needy persons, from obtaining justice?—I think it is, and almost daily such persons do not receive justice.

34. When the deposition and warrant are drawn up by a magistrate, do you receive any fees?—No.

35. Is it to your knowledge that the magistrates refuse to take depositions or grant warrants, and thereby oblige the person complaining to apply to you for the taking of such deposition and preparing such warrant?—Yes, often.

36. Do you draw up in your office depositions and other documents to be submitted to the court, in English, even when such depositions are made by persons only speaking the French language?—Frequently.

37. How is it possible in such case for the person making the deposition to be able to swear to its contents?—It is translated to them by the justice of the peace.

38. What is the reason why the deposition is not in such case rather drawn up in French?—Because I am not a very good French scholar.

39. Do you make any difference in your charges between certificates granted to tavern-keepers residing in the town and to those residing in the country?—No.

40. What is the annual amount of all fees and perquisites by you received, as clerk of the peace, for the last five years?—I produce the statements, Nos. 1, 3, 7, 8 and 9, which form an answer to this question.

41. Do you employ any and what clerks in your office?—I occasionally employ a clerk.

42. What

42. What salary do you give him?—In the course of the year the clerk costs me about 30*l*.

43. Do you also receive, as clerk of the peace, fees for other public officers, and for whom?—I refer to and produce the statements, Nos. 10 and 11; the fees therein mentioned are received by me, and accounted for to the high constable and the crier.

44. What may be the annual income received by the high constable and crier, as such, either in the shape of fees or otherwise?—I cannot say.

45. What is the name of such crier, and by whom is he appointed?—The name of the crier is Antoine Hamel, the younger, and was appointed by the court of general quarter sessions.

46. How often does the court of weekly sessions sit at Three Rivers?—Only 19 times since January last.

47. Is it to your knowledge that there is often no court, even on the days when there is business to come on, and what is the reason?—It is, and the reason is because the magistrates do not attend.

48. Is any inconvenience the result, and what?—It is a very great inconvenience; and the parties are exposed to costs and trouble without redress.

49. Is it usual for you, in drawing up indictments for assault and battery, to insert a count that it has been committed with an intent to murder?—When it is mentioned in the deposition.

50. How many depositions since the last five years have been made for assault and battery, without stating that it has been committed with an intent to murder?—I cannot say.

Tuesday, 10th December 1835.

David Chisholme, Esq., again called in; and Examined.

51. Please produce a list of indictments presented to the grand jury of the court of quarter sessions for the last 10 years?—I now produce it, No. 4.

52. Does that list distinguish, as to indictments for assault and battery, those brought for assault and battery with an intent to murder?—It does.

53. The Committee remark, that since the year 1831, indictments for assault and battery have been seldom brought, and that indictments for assault and battery with an intent to murder, have been frequent; how do you account for this circumstance?—I cannot account for it otherwise than is done by the depositions made by the complaining parties, and other verbal information given to me by the high constable, a petty constable, or some other person of credit.

54. To whom was that information given, and was it verbal or written, but not under oath?—The information was given to me verbally, but not under oath.

55. Since when have you been in the habit of drawing up indictments for assault and battery, with intent to murder, on such information?—Ever since I came into office, so far as I can recollect.

56. Was such the practice before?—I presume it was.

57. Could you state to the committee upon what you ground this belief?—From my having followed the practice, and having a clerk who was in the employment of my predecessors.

58. You state then that such was the practice before your accession to office?—I presume it was.

59. Have you any other reason for presuming so, than the information in this respect which you obtained from such clerk?—I do not recollect at present.

60. What is the name of the clerk of whom you have just spoken?—John Campbell Fearon.

61. Does he hold any office under government, and which?—He is interpreter to the court of general quarter sessions of the peace.

62. Did you ever receive from him verbal information upon which you caused such indictments to be laid before the grand jury, and how often?—I frequently have, but how often I cannot say.

63. Is it to your knowledge that he acts as interpreter to the grand jury in their private sittings, and how long has he so done?—Since the passing of the last Jury Act; and he did so by order of the court of quarter sessions.

64. Would you be inclined to think it is possible from his acting as such interpreter, that he might feel a bias on indictments drawn up from information which he had previously and verbally given you?—He was not in my constant employment when he attended the grand jury, and I cannot say, though I should feel inclined to think the contrary.

65. Do you think that the preferring of indictments for assault and battery with an intent to murder, on verbal information not upon oath, is consonant to law?—I do not think that it is; but the finding of the bills of indictment is the act of the grand jury.

66. Please state the names of the other persons who have been in the habit of giving you verbal information not under oath, upon which such indictments have been preferred?—I cannot at present state the names of any one, except those already mentioned.

67. Could you at another time state the names of such persons?—I am almost sure I could not.

68. What is the name of the high constable, and how often has he given you such information?—The name of the high constable is Philip Burnes; but how often he gave me such information I cannot say.

69. Have you any means of ascertaining how often and in what cases such information was given you, and by whom?—I have not.

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70. Please state the names of such petty constables from whom you obtained such information, and how often each and which of them gave you such information?—I have not a list of them with me; and if I had I do not think I could point them out.

71. Were such persons from whom you obtained such information examined before the grand and petty jurors, as witnesses on the part of the Crown?—I really cannot say. I uniformly put the names of the witnesses on the back of the indictments, and these witnesses are sworn by the grand jury.

72. Were the names of such persons giving you such information put on the back of the indictment as witnesses for the Crown?—I really cannot say, but it is probable that they were.

73. Can you say whether "true bills" were generally found by the grand jury on indictments preferred upon such information?—I cannot say without referring to the bills themselves.

74. When "true bills" were so found, can you say whether convictions for assault and battery, with an intent to murder, generally ensued?—Sometimes, but seldom.

75. Is it not of rare occurrence that convictions take place for assault and battery with an intent to murder?—It is. I generally put two counts in such indictments; and it almost uniformly happens that a conviction ensues for a simple assault.

76. Out of a given number of indictments for assault and battery with an intent to murder, say 50, how many "true bills" should you say are found, not only for a simple assault, but for the crime as laid in the indictments?—I should think two-thirds, though I cannot be positive.

77. Out of the two-thirds of such bills, making, say 34, about how many convictions for the crime as laid in the indictment ensue?—Perhaps not one.

78. Do you conceive that it is in the view of furthering the ends of justice, that the persons to whom you have referred as being in the habit of giving you such verbal information, are actuated in doing so, or can you imagine any other less pure motive?—I do not know what their motives may be; but I know that my own, in receiving such information, are for furthering the ends of justice, to the best of my ability.

79. Are such persons, to your knowledge, either directly or indirectly, interested in giving such information?—They must be either the one or the other, except the high constable.

80. Please state what interest you conceive may actuate them?—The attainment of justice and redress.

81. Do they either directly or indirectly, to your knowledge, obtain fees or rewards in any shape whatever, from giving such information?—They do not to my knowledge.

82. When you speak of the petty constables as having given you such information, do you mean to say they have all, more or less, been in the habit of doing so?—They have.

83. Since what time?—Some time back; perhaps six years.

84. Who pays for indictments and proceedings thereon for simple assault and battery?—The private prosecutor.

85. Are the costs so by him paid to you, reimbursed to him by the defendant if convicted?—Not to my knowledge.

86. Were they formerly reimbursed to him, and when did that practice cease?—I never knew that the practice existed.

87. Was not the defendant, when convicted, condemned formerly to the costs of the prosecution?—Yes.

88. When did that practice cease, and what put an end to it?—It ceased some years ago, in consequence of the officers receiving such costs being sued in the civil courts, and condemned to refund them.

89. What was the average amount of costs to which a defendant, when convicted for assault and battery, was formerly condemned to pay?—About 3*l*.

90. Who pays for indictments and proceedings thereon for assault and battery with an intent to murder?—The government.

91. What is the amount of fees paid to you by government on each indictment for the said crimes, when the bill is not found?—Six shillings and eight pence.

92. When found?—When found, and the trial ensues, 13*s*. 4*d*.

93. Do these fees include every charge made against government, relating to all proceedings to which the indictment gives rise?—No, there are fees allowed upon subpœnas and bench warrants; upon every original of the former, 3*s*.; upon every copy, 1*s*.; and upon the latter, 5*s*.

94. What is the average amount paid by government on an indictment and proceedings thereon, to and including the trial?—I should say about 20*s*.

95. The committee beg to call again your attention to your answer to the 53d question. Do you not suppose that the complaining parties who gave their depositions under oath, may have been induced to represent their cases as being aggravated ones, and that the assaults have been committed with an intent to murder, in order not to pay themselves your fees, but that they might be charged to government?—Yes, I should think they might.

96. Do you believe they were aware that in doing so they were liable to be accused of perjury?—I do not know, indeed.

97. You said yesterday, that you were in the habit of drawing up depositions in English, even when the party complaining only understands French; does this answer apply to depositions to which the two last questions refer?—I cannot say.

98. Have any depositions, upon which indictments have been preferred for assault and battery with an intent to murder, been drawn up by you in French, even when the party complaining

complaining only understood the latter language?—Not by me; but this has been sometimes the case when the depositions were drawn by the justices.

99. Does the latter part of your answer apply to the town or country; you stated magistrates in town seldom draw up depositions?—Principally in the country.

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Friday, 11 December 1835.

David Chisholme, Esq., again called in; and Examined.

100. Indictments for assault and battery with an intent to murder, having been preferred on verbal information, in what way could the person accused falsely cause the individual giving such verbal information to be indicted for perjury, no written deposition remaining in your office on record?—I do not know, but I conceive, that as public prosecutor, I have not only the right, but it is my duty to lay bills before the grand jury, for any offence cognizable in the court of quarter sessions, whenever information is given to me either verbally or written.

101. You said yesterday, you could not then recollect whether you had any other reason for presuming that it was the practice of your predecessor in office to prefer indictments for assault and battery with an intent to murder, on verbal information not under oath, than the information you said you had received from your clerk; have you anything else to add to-day to your answer in this respect?—I have not; but I am not quite positive whether such information was directly given to me by my clerk, or that he, in the performance of the duties of my office, followed the practice of my predecessors.

102. Please examine the deposition of Jean Baptiste Gauthier, of the 8th day of June last, and say what part of the said deposition seems to you to be of a nature to have authorized you to frame thereon an indictment for assault and battery with an intent to murder?—No part; but it is probable some verbal information may have reached me through the witnesses marked on the back of the deposition.

103. Does the answer to the last question apply to the deposition of Catherine Taylor, of the 16th February 1832, upon which it appears by the list No. 4, by you furnished to the committee, that an indictment was framed for an assault with an intent to murder?—Yes; and if I recollect well, the defendant was convicted for an assault with an intent to murder; but I am far from being positive with respect to the latter.

104. Does the same answer apply to the depositions of Joseph Gignac, of the 9th day of January 1833; of Louis Perrault, of the 13th September 1831; of Edward M'Cabe, of the 26th January 1833; of Joseph Rondeau, of the 1st April of the same year; of William Henry Vallières de St. Réal, of the 2d December of the same year; of Hilarie Richard, of the 30th March 1834; of Charles O. Boudreau, of the 19th July of the same year; of Thomas Thibaudeau, of the 27th September of the same year, and of Ezekiel Hart, of the 8th day of June last; upon all which depositions, it appears by the said list that indictments for assault and battery, with an intent to murder, were framed by you, and presented to the grand jury in the quarter sessions?—Yes; but I think proper to state, that unless the grand jury found the bills of indictment true, with respect to the count for an assault with an intent to murder, I did not proceed to trial without the authority of the private prosecutors, who then became responsible for the costs in prosecuting to conviction on the count of simple assault.

105. Were the cases to which you refer, paid to you by the private prosecutors?—In many cases.

106. Can you detail the cases in which those costs were paid to you?—I cannot at present.

107. Could you at a future day, and when?—I shall endeavour to do so as soon as possible.

108. Have you any way of ascertaining on how many of the indictments mentioned in the three last questions, you received verbal information, upon which you inserted the count for an assault and battery with an intent to murder?—No, I have not.

109. Could you say whether true bills were found on any of the indictments framed on the foregoing depositions, and on which?—I cannot at present.

110. How many convictions for the crime, as laid in these indictments, ensued?—I cannot say at present.

111. Please detail the cases for which you are paid by government?—I have already said that I am paid by the executive government for all cases of felonies and misdemeanors, except for cases of simple assault and battery.

112. Did you receive from government, since your accession to office, orders not to charge to it indictments and proceedings thereon, which previously it had been in the habit of paying?—No, I did not.

113. Could you forward to the committee copies of all instructions received by you or your predecessors in office, from government, respecting the fees to be charged to it by the clerk of the peace, or respecting other duties of the said office, or regulating the same?—I shall do so as soon as possible.

114. Do any of these instructions relate to indictments before the quarter sessions?—They do.

115. In what particulars?—I cannot give the particulars; but they will be found to be contained in the copies which I shall transmit to the committee.

116. What are generally, and on an average, the expenses attending a suit at the court of

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weekly sessions?—About 30*s.* in all; 15*s.* of which may be payable to the clerk of the peace, and the rest to the attorney, constables and the crier.

117. What is the amount of the fines imposed by the weekly court for violations of the police regulations?—The highest 5*l.*, the lowest 5*s.*, and there is no difference in the amount of the fees.

118. Do you conceive that the late statutes imposing additional duties on tavern-keepers, impose also new duties on the clerks of the peace in each district?—They do not.

119. When a tavern-keeper gives his bail before a country magistrate, according to the late statutes, are not your duties lessened?—Very much.

120. How many offices do you enjoy, and what is the aggregate amount of salaries or fees derived from those offices?—Clerk of the peace and coroner; what the aggregate amount of fees may be, I cannot at present state. As coroner, I have a salary of 50*l.*

121. The committee remark, from the statement No. 7, by you produced, that in the year 1831 you do not state the amount of the accounts for police services charged to government, what is the reason of the omission?—I could not find it before I came from home; but I shall diligently search for and produce it to the committee.

122. How do you account for the progressive increase since the year 1830, of the accounts for police services; are crimes on the increase in the district?—I think they are, and that accounts for the increase in the amount.

123. Have any persons to your knowledge guilty of trespass been prosecuted for felony before the court of quarter sessions, and tried for stealing property, either purchased or found, and without any circumstances rendering the accused suspicious, and were not those persons of good character and reputation?—Not that I remember.

124. Do your remarks respecting indictments for assault and battery with an intent to murder, framed on verbal information, apply to indictments for larceny, nuisance, riots, affrays and other crimes of the competence of the quarter sessions?—They do.

125. Out of a given number of indictments which have been preferred for the last five years, say 50, how many should you say have been drawn up from verbal information not under oath?—I really cannot say.

126. Would you say one-third, or more?—Not so much; it is impossible for me to say.

127. Would you say that out of 50, there have been at least 10 so framed on verbal information?—I would.

128. In reference to your answer to the 104th question, it would appear that the reason which induces you to insert the two counts in the indictment, when, in the deposition under oath, there is no mention made of the assault and battery having been committed with the intent to murder, is to see whether you will take any further proceedings or not, and to assure to yourself the payment of your fees from government, since when the grand jury bring in a "true bill" for a simple assault and battery only, you do not proceed without the authority of the private prosecutor, and his becoming responsible for the costs; is this the case?—My only object is the discharge of my duty, to the best of my knowledge and ability, and not for the sake of the fees; and I charge only 6*s.* 8*d.* to government, after the bill is thrown out for the count for the assault with intent to murder; but it frequently happens that the private prosecutor does not proceed on the count for simple assault.

129. Do you intend to say that the bill, not being found by the grand jury for the assault and battery with the intent to murder, you do not proceed to the trial unless the private prosecutor assures you of your fees on the proceedings subsequent to the finding of the bill?—I frequently proceed to the trial whether the private prosecutor assures me of the fees or not.

130. What becomes of a bill of indictment in which the two counts are inserted, when the grand jury throws out the count for the assault and battery having been committed with an intent to murder, but finds the bill on the other count only, when the private prosecutor refuses to pay you or give you any assurance for your fees on the subsequent proceedings?—In almost all cases I proceed to trial, and in some I do not.

131. In how many cases, since the last five years, have you not proceeded to trial under these circumstances?—I cannot say.

132. You have no fee to claim from the government when the bill of indictment is for mere assault and battery?—I have not.

133. When the deposition is for a simple assault and battery only, do you not consider that you go beyond the complaint when you prefer an indictment for assault and battery with an intent to murder?—That may be the case, but I make myself the judge of the bill to be laid before the grand jury.

Ordered, that Mr. Chisholme do transmit to this Committee, on or before the 18th instant,

1.—Rules and regulations concerning ferrymen, and also the rules obliging ferrymen to take two copies of such rules in certain cases.

2.—List of all indictments for assault and battery with an intent to murder, for the last five years, stating whether the bill was found or not, whether a trial was or was not had thereon, and for what reason the trial did not take place, and if found, whether a conviction ensued, and whether it was for a simple assault, or an assault with an intent to murder, and the amount of fees paid by or charged to government on such indictments, and on all proceedings relating to or incidental thereto.

3.—Copies of depositions of, No. 214, Catherine Defossés, 8th March 1831; No. 186, Louis Perrault, 15th September 1831; No. 289, Catherine Taylor, 16th February 1832; No. 1, Josephé Gignac, 9th January 1833; No. 20, Edward M'Cabe, 26th January 1833; No. 13, Joseph Rondeau, 1st April 1833; No. 107, W. Henry Vallières de St. Réal,

21st December

21st December 1833; No. 138, Hilarie Richard, 30th March 1834; No. 164, Charles O. Boudreau, 19th July 1834; No. 193, David Thibeaudeau, 27th September 1834; No. 161, Henry Mahon, 11th July 1834; No. 266, François Larose, 8th June 1835; No. 267, Ezekiel Hart, same day; upon which depositions indictments for assault and battery with an intent to murder have been preferred.

4.—Copies of the depositions upon which the first five indictments of each year since 1831, presented to the grand jury for assault and battery with an intent to murder, were founded.

5.—List of cases in which proceedings on indictments for assault and battery with an intent to murder have been paid by the private prosecutor.

6.—Copies of instructions received by you or your predecessors in office, regulating the fees to be charged to government, or respecting the said office of clerk of the peace.

Tuesday, 15 December 1835.

William Bell, Esq., called in; and Examined.

1. Are you the prothonotary and clerk of the peace for the district of St. Francis; and when were you appointed?—I am. I was appointed the 12th March last.

2. Since your accession to office, could you state how many indictments have been laid before the grand jury for assault and battery with an intent to murder?—None; there is little business in that court; there has been only one term of session held since I have been in office; and but six or seven bills laid before the grand jury.

3. Of the said bills, how many were there for simple assault and battery?—There were only one or two, to the best of my recollection.

4. Does the private prosecutor or the Crown pay for proceedings on indictments for assault and battery?—The private prosecutor.

5. Should indictments for assault and battery, with an intent to murder, be laid by you before the grand jury, to whom would you apply for your fees?—I should apply to the Crown.

6. Would you deem yourself authorized to lay before the grand jury such indictments, on verbal information received by you not under oath?—Certainly not.

Wednesday, 16 December 1835.

Joseph François Xavier Perrault, Esq., Clerk of the Peace at Quebec, called in; and Examined.

1. Do you present indictments on verbal information only, without any deposition on oath?—Certainly not; never.

2. You receive only the same fee whatever may be the number of counts in the indictment?—The same.

3. Are there any prosecutions, the costs of which are paid you by the private prosecutor alone?—All cases of mere assault and battery, in which we receive the same fees as aforesaid, except on the original subpoena, on which we receive only 1s. 6d.

4. When the deposition contains only a complaint of mere assault and battery, do you sometimes draw up the indictment for assault and battery with intent to murder, on verbal information relative to the assault and battery mentioned in the deposition?—Never; we should not be justifiable in doing so.

Monday, 21 December 1835.

The Chairman laid before the committee the following documents received from Mr. Chisholme, in part answer to the order of the committee of the 11th instant.

No. 1.—Rules and regulations concerning ferrymen (Appendix B.)

No. 2.—List of bills of indictments for assaults with intent to murder, for the years 1831, 1832, 1833, 1834 and 1835 (Appendix C.)

No. 3.—Copies of 13 depositions upon which indictments for assault and battery with intent to murder have been preferred (Appendix D.)

No. 4.—Copies of 17 depositions upon which some of the first indictments of each year since 1831, presented to the grand jury, for assault and battery with an intent to murder, were founded (Appendix E.)

No. 5.—I regret exceedingly that it is not in my power to furnish the committee with "List of cases in which proceedings on indictments for assault and battery with an intent to murder have been paid by the private prosecutors."

Three Rivers, 19 December 1835.

David Chisholme, Ck. P.

Tuesday, 22 December 1835.

Ordered, that David Chisholme, esq., clerk of the peace for the district of Three Rivers, do appear before this committee on Monday the 28th instant, and do produce and lay before this committee:

1st.—List of cases in which proceedings on indictments for assault and battery with an intent to murder have been paid by the private prosecutor, since his accession to office.

2d.—The rule obliging ferrymen, in certain cases, to take two copies of rules and regulations concerning ferrymen.

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Tuesday, 29 December 1835.

David Chisholme, Esq., again called in; and Examined.

1. Can you furnish to the committee the papers required by the order addressed to you and dated 22d December instant?—I cannot produce the list No. 1, required, namely, "List of cases in which proceedings on indictments for assault and battery with an intent to murder, have been paid by the private prosecutor," because I was never paid any fees in such cases by the private prosecutor; and as to the second, viz., "The rule obliging ferrymen to take two copies of Rules and Regulations concerning Ferrymen," I cannot produce such rules, as none such exist; having in answer to a former question, confounded the eighth with the 12th rule respecting ferrymen.

2. Notwithstanding the absence of such a rule, have not ferrymen been obliged to take two copies of the regulations concerning ferrymen?—They have not been obliged to do so, but I believe that in one or two instances, two copies of these rules and regulations have been taken by ferrymen who had obtained licences on both sides of the river.

3. In how many cases have ferrymen been obliged to take two copies of the regulations concerning ferrymen since your appointment as clerk of the peace?—I believe that not more than six instances, if in so many; but I have no perfect recollection on that subject.

4. Have you a list of those ferrymen who have been obliged to take two copies of the said regulations?—I have not; and I do not think that I could produce them, though I shall endeavour to do so should the committee require it.

5. Could you transmit to this committee such a list, mentioning the names of the ferrymen, the dates at which two copies were taken, and the sums paid by such ferrymen for the same?—I shall endeavour to do so, on or before the 10th proximo.

6. You have stated, on a former occasion, before this committee, that when an indictment for assault and battery with intent to murder, was found by the grand jury a true bill only as to the assault, you did not, in such cases, proceed "without the authority of the private prosecutor, who then became responsible for the cost in prosecuting to conviction on the count for simple assault," and that in many cases the costs to which you have referred were paid to you by the private prosecutors; that you could not detail these cases then, but that you would endeavour to do so as soon as possible. Being required to transmit the same to this committee on or before the 18th December instant, and not having done so, the committee required your presence here this day with such a list; you appear and answer now that you were never paid any fees, in such cases, by the private prosecutor; how do you explain such discrepancies?—What I meant to say was, that when indictments for an assault and battery with an intent to murder were laid before the grand jury, and when they were found true as to the assault and battery only, the private prosecutors became responsible for the fees for the trial only, if the trial took place.

7. This explanation you have already given. And were you not aware that the intention of the committee, in requesting you to furnish a "List of cases in which proceedings on indictments for assault and battery with an intent to murder, have been paid by the private prosecutor," was grounded upon this very explanation, and was, to procure from you a list of such cases of assault and battery with an intent to murder, reduced by the finding of the grand jury to simple assault, in which the costs were paid to you by the private prosecutor?—I cannot recollect one instance wherein I was paid by the private prosecutor.

8. Are the committee to infer that in such cases you were never paid by the private prosecutor?—I might have been in some cases; but I cannot say in how many, or by whom.

9. How came you then to state positively, on a former occasion, that "in many cases the costs to which you referred were paid to you by the private prosecutors," "that you could not detail these cases then, but would endeavour to do so as soon as possible"?—I have made every endeavour to get the detail of those cases, thinking that I should have been able to do so; but I find that I cannot, though exceedingly willing to furnish the committee with every information in my power.

10. If you, as you state in your first answer this day, were never paid any fees in such cases (meaning the indictments for assault, with intent to murder, reduced to simple assault) by the private prosecutors, how could you furnish a list of such cases, and how could you undertake to do so on a former occasion?—I stated, on a former occasion, that I would furnish the committee with a list of cases of assault and battery with an intent to murder, reduced to simple assault by the finding of the grand jury; I thought at the time that I should have been able to have done so. I am afraid that in some instances on the subject I may have misapprehended the questions of the committee.

11. Why can you not now furnish a list of such cases, viz., a list of indictments for assault and battery with intent to murder, reduced to simple assault by the grand jury, in which the costs were paid to you by the private prosecutors; have you not those indictments of record in your office; and if, as you stated on a former occasion, you were paid in such cases by the private prosecutors, could you not make out a list of such cases, and lay it before this committee?—I have the indictments on record, but I cannot say for which of them, if any, I have been paid by the prosecutors, because I did not mark such payments on the indictments. I however believe that in many instances I have proceeded to trial for simple assaults, without being paid by the private prosecutors, though I cannot state them in detail.

12. You state, that you have those indictments in record, but that you cannot say for which of them, if any, you have been paid by the private prosecutors; then you have some doubts whether or not you received any costs from private prosecutors in the cases above alluded to?—I certainly have doubts.

Wednesday, 30 December 1835.

David Chisholme, Esq., again called in; and after having read his answers to the questions submitted to him yesterday, requested that the committee would allow him to add to his answer to the 12th question the following words:—I shall make further effort to find out and lay before the committee a list of cases, if any, wherein I may have been paid by the private prosecutors in cases reduced to simple assault and battery.

Mr. Chisholme was then further Examined.

13. When was the order of the committee, dated 18th December instant, addressed to you, and where did you receive it?—I received that order in the lobby of the house.

14. Do you keep a regular cash-book for the receipts of fees in your office as clerk of the peace?—I do not.

15. How then can you furnish annually to the executive of this province a statement of the fees you receive as clerk of the peace?—I make it out from the various papers and documents deposited in my office, such as depositions, indictments, and the registers of the quarter and weekly sessions.

16. How then can you distinguish what is due to you by government and by individuals?—When I make the annual return to government I endeavour, to the best of my knowledge, to include the whole of my emoluments from whatever source derived.

17. Do you not keep books of any description as to the receipt of fees in your office?—I do not; but I keep a book in which I insert the gross amount of my contingent account with government.

18. On reference to the said book, could you not make out the list No. 5, demanded by this committee on the 18th December instant?—I could not.

Thursday, 31 December 1835.

Charles Richard Ogden, Esq., Attorney-General, called in; and Examined.

1. When a deposition under oath is placed in your hands, do you sometimes present an indictment for a greater offence; for instance, if the complaint is for a mere assault and battery, does the Crown-officer present an indictment of such cases for assault and battery with intent to murder?—Certainly not. I should not consider myself justifiable if I were doing so.

2. Ought the officer, appointed by law to conduct criminal prosecutions, to present indictments on verbal information alone, without any deposition on oath?—My own practice has been to proceed on depositions in writing only; nevertheless cases might occur in which it might be otherwise.

3. When you draw an indictment on a deposition which alleges a specific offence, do you sometimes insert a count for a more serious offence, grounding such insertion on verbal information only?—No.

4. Do you include in the cases which you except in your answer to the 2d question, cases of minor offences, such for instance, among others, as cases of assault and battery?—No.

Monday, 11 January 1836.

The Chairman laid before the Committee the following letter:

Sir,

Three Rivers, 8 January 1836.

In doing myself the honour of transmitting to you, for the information of the committee, the enclosed document, with respect to the number of rules and regulations respecting ferries taken out by ferrymen, I beg leave to state to you, that notwithstanding the most diligent and minute inquiry and research, I have not been able to ascertain the name of any individual who may have paid to me fees in cases of assault, with an intent to murder, reduced by the finding of the grand jury to a case of simple assault and battery: otherwise it would have afforded me the highest satisfaction to transmit the same herewith to the committee.

I have, &c.

(signed)

David Chisholme,

Clerk of the Peace.

L. H. Lafontaine, Esq., M.P.P.
&c. &c. &c.

Correspondence
respecting
Mr. Chisholme.

(Enclosure in the preceding Letter.)

LIST of Ferrymen in the District of Three Rivers who have taken two Copies of the Rules and Regulations respecting Ferrymen since the Year 1826, to the best of the Knowledge and Recollection of the Subscriber.

DATE.	NAMES.	RESIDENCE.	Number of Licences taken out.	Amount paid for each Licence.
				£. s. d.
1 May 1832	François Crevier - - -	St. François - - -	2	- 10 -
10 May 1833	François Gingras - - -	Bécancour - - -	2	- 10 -
- - -	François Allard - - -	St. François - - -	2	- 10 -
22 - - -	François Plamondon - - -	- ditto - - -	2	- 10 -
1 June - -	Benjamin Crevier - - -	- ditto - - -	2	- 10 -
25 - 1835	Augustin Gingras - - -	Batiscan - - -	2	- 10 -

Three Rivers, 8 Jan. 1836.

David Chisholme, Clerk of the Peace.

Appendix (A.)

LIST of the Indictments laid before the Grand Jury at the Court of General Quarter Sessions of the Peace holden at Three Rivers during the Years 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834 and 1835; distinguishing the Offence.

Year.	OFFENDERS.	OFFENCE.	Year.	OFFENDERS.	OFFENCE.
1826	Louis Ducheny - - -	assault and battery.	1827	Jeremie Lemay - - -	assault and battery.
	James Dunsmuir - - -			Antoine Delaurier & al. -	disorderly house.
	Augustin Duleé - - -			Mathilde Provost, alias	larceny.
	F. Lainé, dit Gremouche -			Reine Provost.	
	Alexis Pechette - - -			Pierre Berneche - - -	petit larceny.
	Alexander Tunis - - -	- - assault on a constable, &c.		Joseph Pathier - - -	engrossing.
	P. Baron, dit Lafreniere -	assault and battery.		Antoine Damphause - -	assault and battery.
	P. Baron, dit Lafreniere -			Antoine Curnoyer - -	
	Antoine Parent - - -			Raymond Carufel & al. -	riot and assault.
	François Bellerive - - -			Euphrosine Roi & al. -	
	John Short - - -			William Kent - - -	negligent escape.
	Jean Baptiste Veillet - -	assault and battery.		Louis Gronden - - -	- - assault and false imprisonment.
	James Falkender Bauce -			Antoine Bellanger - - -	
	Charles L. Duplessis & al.			J. Bap. Eudon, dit Beaulieu	
	Pierre Cartier, fils - - -			Areli Blake Hart - - -	
	Antoine Lesieur Desautier			François Isabelle - - -	assault and battery.
	Marie Hourmier - - -	petit larceny.		Antoine Franchère - - -	
	Michel Lacharité - - -			Joseph Laplante - - -	
	Bazile Toussaint - - -			Joseph Provancher - -	
	Donald M'Phee - - -			Joseph Brunelle - - -	assault.
	James Sutherland Ross and Alexis Tessier.			Modeste Marie - - -	
	Jean Cauvillon - - -	- - nuisance; disorderly house.		Selby Burn - - -	
	Marie M'Leod & al. - - -	riot and assault.		Charlotte Lomeal & al. -	
	Joseph Lupien & al. - - -	- - assault, and forcible entry.		Samuel Cowan - - -	nuisance; keeping hogs in a street.
	Joseph Douellette - - -	- - assault on a constable, &c.		Hubert Duplessis - - -	
	Joseph Douellette & al. -	- - assault on a bailiff, &c.		David Bellhouse - - -	
	Pierre St. Aunaud - - -	assault and battery.		Clément Langlois - - -	
	Louis André Ducheny - -			Laurent Girardeau - -	
	Pierre M'Line, al. Peter M'Line - - -			Charles Veillet - - -	assault and battery.
	Joseph Ricard, fils, & uxor			Marie Janvier - - -	petit larceny.
	Antoine Parent - - -			Antoine Jacques - - -	larceny.
	Pierre Benj. Dumoulin -	assault and battery.		Joseph Nickless - - -	- - nuisance; firing cannon in a street.
	Louis Hyacinthe, alias				- - nuisance; keeping hogs in a street.
	Louis Bellerose.				- - nuisance; disorderly house.
	James Wallace - - -				
1827		assault and battery.			
				Alexis Carpentier - - -	assault and battery.
				George N. Turner - - -	
				James Peoples & al. - -	riot and assault.
				James Jackson - - -	assault and battery.

CHARGES AGAINST MR. CHISHOLME.

15

Year.	OFFENDERS.	OFFENCE.	Year.	OFFENDERS.	OFFENCE.
1828	Thomas Laframboise -	-- assault on a constable.	1829	Jean Baptiste Belletête -	-- assault, with intent to murder.
	Thomas Laframboise & al.	riot and assault.		Pierre Giguère -	forestalling.
	Charles Houle -	-- forcible entry and detainer.		Etienne Dubois -	grand larceny.
	Pierre Menançon -	} larceny.		Louis Paquette -	petit larceny.
	Eliza Ann Fisher -			Joseph Haule & alios -	larceny.
	Eugene Rousseau -			Jean Cauvillon -	-- breaking out of house of correction.
	Benjamin Vadeboncœur -	} assault and battery.		Pierre Caya -	} assault and battery.
	Jos. Deguise, dit Derosier -			Joseph Mathon -	
	Emanuel Firmin -			Thomas Graham -	
	Emanuel Firmin -	} -- assault, with intent to murder.		Robert M ^c Vecker -	
	Emanuel Firmin -			François Patoelle -	-- assault, with intent to murder.
	Michel Dumas & al. -	affray.	1830	Pierre Olivier -	} petit larceny.
	Magdelaine Godin -	petit larceny.		Joseph Léonnais -	
	Pierre Daucet -	blaspheming.		Louis E. Dubord -	} assault on a constable, &c.
	Areli B. Hart -	} assault and battery.		François Lespérance -	
	James Bell -			Edouard Mathon & alios -	riot and assault.
	Leandre Morels et al. -			Michel Gailloux -	blasphemy.
	Edouard Chatebreaux -	} petit larceny.		Jean Guille -	} assault and battery.
	Augustin Antaya -			Antoine Bazin -	
	Bazile René -	} larceny.		Louis Beaudry -	
	François Lacharité -			Gabriel Proulx -	
	Margaret Laing -	} petit larceny.		Joseph Craig Morris -	} -- assault on a constable, &c.
	Germain Talbot -			Antoine Robert -	
	Magdelaine Godin -	} larceny.		Joseph Craig Morris -	-- assault on a constable, &c.
	Joseph Lapiere -			David Harvey -	-- assault, with intent to murder.
	Amable Courteau -	} petit larceny.		Généviève Paille -	-- keeping a disorderly house.
	Nicolas Labrèque -			François Plamondon -	assault and battery.
	Nicolas Labrèque -	} petit larceny.		Charles Labonté -	-- breaking out of gaol, &c.
	Louis Paquette -			Charles Parent -	-- assault on a constable, &c.
	Louis Paquette -	} assault and battery.		Joseph Sebastien Letiecq -	} petit larceny.
	Denis F. Vadeboncœur -			François Deguise -	
	François Baroletti -	} -- assault, with intent to murder.		Emanuel Firmin -	-- obtaining a watch on a false pretence.
	Hubbard Cummings -		1831	Campbell Murray -	petit larceny.
	Joseph Provancher -	} -- refusing to assist a constable, &c.		Moses Hart -	-- assault, with intent to ravish.
	Jean Baptiste Cartier -			Guillaume Smith -	extortion.
	Bonaventure Lacourse -	} -- assault on an officer, &c.		Alexis Thibodeau & al. -	assault to murder.
	François Brassard & al. -			Noël Gingras -	petit larceny.
1829	Jean Cauvillon -	} larceny.		Julie Regis, alias Pare -	disorderly house.
	Antoine Brière and Johnston Ogilvie -			John Tawle -	larceny.
	Antoine Brière -	} petit larceny.		Marie Benoit & al. -	riot and assault.
	Johnston Ogilvie -			Marie Benoit & al. -	assault to murder.
	François X. Durand -	} -- assault on an officer, &c.		James Crawford & al. -	riot.
	Gabriel Haule -			Bazile Branconnier -	} larceny.
	Charles Pressé & alios -	-- keeping a disorderly house.		Pierre Fortier -	
	Marie Benoit -	larceny.		Pierre Fortier -	} disorderly house.
	Joseph Gilbert -	} petit larceny.		Michael Mullen -	
	Joseph Gilbert -			Michael Mullen -	-- assault on a constable.
	Marie Girardeau & alios -	} assault and battery.		Ambroise Mairand -	larceny.
	Ann Taylor -			Jean Baptiste Boisvert -	assault on an officer.
	James Alex. Thompson -	} -- assault on a constable.		Louis Tomaquois & al. -	assault to murder.
	Pierre Héroux, alias Bourgainville, alias Boisclair. -			Joseph Gouin -	assault and battery.
	Louis Gagnon -	larceny.		Casimir Dery -	assault to ravish.
	Thomas Leary & alios -	riot and assault.		Louis Thibeau -	-- neglect of duty as a constable.
	Joseph Lauranger -	-- assault on clerk of the market, &c.		Regis Bergevin, alias Langevin. -	larceny.
	François Cloutter & ux. -	} keeping a disorderly house.		Michel Guille -	assault and battery.
	Gabriel Benoit & alios -			Louisa Chapman -	disorderly house.
	Noël Darois & alios -	assault and battery.		François Baurré -	assault on a bailiff.
	Gabriel Haule -	-- assault on a bailiff, &c.		Joseph Reid -	assault to murder.
	Pierre Paquin -	assault and battery.		Honoré Hudon Beaulieu -	assault and battery.
	Jos. Lefebvre, alias Labbé -	larceny.		Pierre Robitaille & al. -	riot.
	Joseph Lauranger -	-- assault on clerk of the market, &c.		Louis Robert -	assault to murder.
				Joseph St. Pierre -	petit larceny.
				Pierre Girard & al. -	riot.

(continued)

Year.	OFFENDERS.	OFFENCE.	Year.	OFFENDERS.	OFFENCE.
1831	Bellermin Masecot	} petit larceny.	1832	Jean F. C. Ouellet	assault on officers.
	Timothy Tallen			Zephirin Dugas, dit La- branche.	petit larceny.
	François Beaulieu & al.	assault to murder.	1832	Angele Tailly	- - illegally milking a cow; petit larceny.
	François Beaulieu & al.	affray.		Regis Gelinas	assault on an officer.
	William Hicks	assault.	George Carpentier	petit larceny.	
	Felix Laplante & al.	larceny.	Jean Gobin	assault to murder.	
	Alexis Latreille	assault to murder.	Hypolite Simard, alias La- branche.	} petit larceny.	
	Louis C. Moreau	petit larceny.	Ann M'Cormack		affray.
	Angelique Baril & al.	disorderly house.	James Dunn & al.	} petit larceny.	
	Michael Mullen & al.	affray.	Hilaire Ayotte		grand larceny.
	Raphael Baril	assault on an officer.	Margaret Fowls, alias Laing	} petit larceny.	
	Charles Lamotte & al.	disorderly house.	Pierre Sans Awagawet		petit larceny.
	Victoire Vient	larceny.	John O'Brien	- petit larceny; <i>vide</i> <i>ante</i> , 1832.	
	Jean Noël	} petit larceny.	Joseph Hamel	petit larceny.	
	Louis Hyvon & al.		Antoine Montreuil	petit larceny.	
	Henri Eli, dit Breton	} petit larceny.	Pierre Vasseur	} petit larceny.	
	Charles Mathon		Thomas Maine		assault to murder.
	William, alias Jas. Jenkinson	grand larceny.	Pierre Baron Lafrenière	} petit larceny.	
	John Thayer	blasphemy.	Pierre Allain		assault to murder.
	Edward Langevin	- - soliciting to riot, and escape from gaol.	Adolphus Stein	} petit larceny.	
	Edward Fitzgerald	assault upon an officer.	Robert Campbell		assault to murder.
	1832	Jean Gobin	assault to murder.	Augustin Lazard	affray.
		Pierre P. Dérosier & al.	} riot and assault.	James M'Kinnon & uxor	assault to murder.
		Willebrode Demers & al.		Charles Pepin	riot.
		Pascal Rondeau	assault on an officer.	John Stronach & al.	petit larceny.
		George Bright	assault to murder.	François Cadoret	assault to murder.
Catherine Lagrave		fraud.	Eugène Rousseau	} petit larceny.	
Joseph Vient		} petit larceny.	André Baudouin		petit larceny.
Antoine Paquet			assault to murder.	Michel Hamel	grand larceny.
Joseph Precour		affray.	Olivier Courteau	assault to murder.	
John Houleston		} assault to murder.	John Savage & al.	assault to murder.	
Catherine Lagrave			François C. Bellerive	assault to murder.	
Joseph C. Morris & al.		assault to murder.	John Ralph	} petit larceny.	
Henry Drennan		grand larceny.	Joseph Robert		assault to murder.
Edward Carrigan		assault to murder.	Matthew Minnick	riot and assault.	
John M'Phail		grand larceny.	Pierre Bergeron	affray.	
Marie Desange Baril		assault to murder.	Pierre Fortier & al.	disorderly house.	
Alexander Ferguson		assault to murder.	Antoine Raymond & al.	petit larceny.	
Marie Baril		grand larceny.	Joseph Gilbert & al.	assault to murder.	
John Cox		assault to murder.	Marie Louise Baudette	petit larceny.	
Louis André Arenhoe		riot and assault.	François Cadoret & al.	grand larceny.	
Olivier Taupin & al.		affray.	Pierre Flammand	deceit.	
John Cox & al.		disorderly house.	Noël René	nuisance.	
John Smith & al.		} disorderly house.	François Sanchagrin	} riot.	
John Cox			Michel Cyr		assault to murder.
Jean Baptiste Plauff		grand larceny.	Marie Smautre	- - assault to mur- der with a drawn sword.	
Joseph Gilbert & al.		disorderly house.	François Lacharité & al.	} petit larceny.	
Marie E. Muncé		indecenty.	Augustine G. St. Louis & al.		escape.
Euphrosine Bellant & al.		petit larceny.	Joseph V. Vertefeuille	- - refusing to ex- ecute the order of a justice of the peace.	
Amable Decoteau		assault on an officer.	Louis Lefebvre	- - nuisance; disor- derly house.	
Antoine Montreuil		affray.	Antoine A. Raymond	petit larceny.	
Louis Beaudry		assault to murder.	Athert Robinson	indecenty.	
Thomas Moss & al.		assault to murder.	John Perkins & al.	assault to murder.	
Hector R. Major		disorderly house.	François Sanschagrin	riot.	
Adelaide Belisle		} petit larceny.	Pierre Marcouillier & al.	grand larceny.	
Claude Feron & al.			disorderly house.	Magdelaine Blais & al.	petit larceny.
Généviève Carpentier		riot.	François Sanschagrin	assault to murder.	
Emilie Belleville		assault to murder.	Antoine A. Raymond	riot.	
Pierre A. Dorion & al.		disorderly house.	Olivier Lamotte	grand larceny.	
John M'Gowen		affray.	Hubert Bernard & al.	} petit larceny.	
Marie Baril		assault to murder.	Thomas Brewer		petit larceny.
Marie Racine		disorderly house.	Jean Baptiste Clairmond	assault to murder.	
David Houle & al.		petit larceny.	Thomas Graham	riot.	
Louis Cormier		riot.	Edouard Prevost	grand larceny.	
Flavien Vadeboncoeur & al.		assault to murder.	John O'Sullivan	} petit larceny.	
Joseph Lambert & al.		assault to murder.	Hilaire Ayotte		petit larceny.
Simon Simoneau		assault to murder.	Augustin Lebeau	petit larceny.	
James Bothwell & al.	assault to murder.				
Louis Begué	assault to murder.				
Pierre St. Hilaire & al.	assault to murder.				
Jean Baptiste Peltier & al.	assault to murder.				
Olivier Courteau & al.	assault to murder.				
Walter Tuite	assault to murder.				
Joseph Bellemard	assault on an officer.				
Jean Baptiste Cauvillon	petit larceny.				

CHARGES AGAINST MR. CHISHOLME.

17

Year.	OFFENDERS.	OFFENCE.	Year.	OFFENDERS.	OFFENCE.
1834	Benjamin Lami & al.	} forcible entry.	1834	Hilaire Ayotte - -	breaking windows.
	Augustin Girard - -			Jean F. Belouin - -	nuisance.
	Joseph Peterson - -			Charlotte Lef. Baulae - -	indecenty.
	William Tuffs - -			Arthur Michau - -	-- soliciting to com-
	Jean Lacroix - -	assault to murder.		Marguerite Douillette - -	mit a felony.
		-- refusing to obey			blasphemy.
		order of a justice		Joseph Belouin - -	petit larceny.
		of peace.		Pierre Charbonneau - -	breaking windows.
		assault on an officer.		Charles Dennis - -	assault to murder.
	Joseph Robin & al.	} affray.		Joseph Robert - -	nuisance.
	Thomas Murphy & al.			Antoine Quintal & al.	affray.
	Pierre Cadoret & al.			Josephite Robert & al.	affray and assault.
	Pierre Girard & al.			Benjamin Vadeboncœur & al.	petit larceny.
	Antoine Baudette & al.	} riot and assault.		Charles Vallieres - -	fraud and deceit.
	Joseph Lacroix & al.			Charles Vallieres - -	breaking windows.
	Alex. M'Gweny & al.			Marie Gagnon - -	nuisance.
	Pierre Mondor & al.			Gabriel Proulx & al.	affray and assault.
	James Trench & al.	} petit larceny.		John Johnston & al.	assault to murder.
	François Lacharité & al.			Michael Mulbollar - -	nuisance.
	Christopher Kennan & al.			William M'Kenstry - -	
	Joseph Peterson - -				
	William Brown & al.	riot.	1835	James Crawford - -	} petit larceny.
	William Brown & al.	affray.		Pierre Jean Roi - -	
	François Lami - -	assault to murder.		Charles Denny - -	
	Joseph Roi, dit Mazarette	petit larceny.		Hubert Munier - -	
	François Branconnier - -	grand larceny.		Louis Tirie & al. - -	-- soliciting to com-
	Joseph Lacourse - -	petit larceny.			mit a felony.
	Joseph Noël - -	} grand larceny.		Jean Cadoret & al. - -	assault upon an of-
	George Mellette & al.			Pierre Dehuret - -	ficer.
	Andrew Brown - -			Elie St. Hilaire - -	assault to murder.
	Jean Baptiste Portugais - -			Felix Parmentier - -	breaking a door.
	Pascal Mongrain - -	} petit larceny.		Antoine Normandeau - -	an affray.
	Solem Théfaut - -			Jean Cadoret & al. - -	riot.
	Joseph Brimmer - -			Placide Gaillarde & al.	nuisance.
	Joseph Burgess - -			Louis A. Duchesny & al.	riot.
	Desange Gervais - -	riot.		James Dickson, esq. - -	petit larceny.
	David Henderson & al.	affray.		James Crawford, jun., & al.	grand larceny.
	Antoine Lafontaine & al.	} nuisance.		Pierre Denis - -	petit larceny.
	Antoine Raymond - -			David Decoteau - -	-- receiving stolen
	Etienne Martin - -			Jean Baptiste Beaudry - -	money.
	Louis M. Senechal - -				-- assault to commit
	Joseph B. Larivière - -	assault to murder.			a felony.
	Jean Rocheleau - -	} assault on an officer.		Jean Baptiste Beaudry - -	
	Thomas Graham - -				
	Roderick Neekals - -			Jean Baptiste Negageouis	} assault to murder.
	Roderick Neekals & al.			Louis Proulx - -	
	Jean Baptiste Delorme - -	affray.		André Baudouin - -	
	Pierre Gouin - -	petit larceny.		Denis F. S. Vadeboncœur	
	Pierre Girard & al.	a contempt.		Louise Daniel - -	} riot and assault.
	Hon. J. R. V. de St. Réal	} nuisance.		Louis St. Antoine & al.	
	William Kent - -			Louis St. Antoine & al.	
	Henry Drennan - -				
	François Gingras - -	} assault to murder.		Moses Hart - -	nuisance.
	François Carrier et uxor - -			James Crawford - -	
	Charles Gerard et uxor - -			Josephite Dufresne & al.	breaking windows.
	Antoine Hebert - -			Marie Cairns - -	breaking a door.
	Joseph Robert & al.	riot and assault.		Jos. Robert - -	-- breaking a door
	François Aulee & al.	affray.		Denis F. Vadeboncœur - -	and window.
	Charles Wallace - -	} petit larceny.		Gilbert Lemai - -	
	Joseph Noël - -				
	Jean Baptiste Lacoste - -			Pierre Gauthier & al.	nuisance.
	Joseph Peterson - -			Abraham Frigon - -	-- refusing to obey
	Etienne Guillemen - -	} -- assault, with in-		Alexis le Blanc - -	a justice of peace.
	Charles Garriepy - -				nuisance.
	Isidor Grammont - -			Louis Beaudry - -	keeping a furious dog.
	Peter Plunket - -			Louis Beaudry - -	affray.
	Michel Boivin - -	} assault on an officer.		Jean Terron & al. - -	nuisance.
	Genevieve Rouillard - -			Thelesphore Leclair - -	} grand larceny.
	David Thibaudeau - -			Thomas M'Guire - -	
	Marie Poirrier - -			John Slack & al. - -	
	Benjamin Vadeboncœur - -			John Slack & al. - -	
	Pierre Flamman - -	} affray.		Gabriel Proulx - -	petit larceny.
	Michel Giroux - -			Jean Bte. Tivierge & al.	} assault to murder.
	Joseph Gouin & al.			Thomas M'Guire - -	
	Octave Lottinville & al.			Marianne Dumas - -	
	Hilaire Ayotte & al.	affray and assault.		Louis Lachance - -	
	Joseph Lafrance & al.	} breaking windows.			
	Arthur Michau - -				
	John Cole - -				

(continued)

Year.	OFFENDERS.	OFFENCE.	Year.	OFFENDERS.	OFFENCE.
1835	Francis Kelly - -	assault to murder.	1835	Helen Côté - - -	petit larceny.
	François Noël - -			Elie St. Hilaire - -	
	Luc Vincent - - -			Michel Gailloux - -	
	François Larose - -			François Cloutier & al. -	
	Alexis Rousseau - -			Joseph Maurice Janvier -	
	Pierre Gageant - -	nuisance.		Hypolite Simard - - -	extortion.
	Esther Pazer & al. - -			Joseph Turcot (1) - - -	
	Marie Baril - - -			Joseph Turcot (2) - - -	
	Thomas Coghlan & al. -	indecenty.		Joseph Turcot (3) - - -	indecenty.
	Thomas Coghlan & al. -			Thomas Graham - - -	
	Joseph Robert - - -	breaking windows.		George Michelin - - -	
	Mary O'Connor - - -			Olivier Mailloux & al. -	nuisance.
	Michel Gailloux - - -			Jacques R. Baby & al. -	
	John Maclaren, jun. -	assault to murder.		François Lacroix & al. -	riot and assault.
	Charles Burke - - -			Pierre Tessier & al. -	
	Olivier Chartier - - -			Joseph Parent - - -	breaking windows.
	Augustin Houle & al. -	grand larceny.		Edouard Rancour - - -	
	Joseph Turcot - - -			Benjamin Blanchette & al. -	assault to murder.
	Thomas Caghlan - - -			Joseph Craig - - -	
	Abraham Baucher - - -	petit larceny.		Louis Baulac & al. - - -	affray.
	André Decarrafte - - -			Marie Racine & al. - - -	
	Amable Cadoret - - -			Charles Lallemant - - -	assault.
	Richard Clarke & al. -			Abram Boucher - - -	
	Marie Bernard - - -				grand larceny.

Quebec, 10 Decemer 1835.

Certified,
David Chisholme, Clerk of the Peace.

Appendix (B.)

EXTRACT from the Rules and Regulations respecting FERRYMEN in the District of
Three Rivers.

8th. THE clerk of the peace shall give a copy of the regulations in English and French to every ferryman; and each and every ferryman shall put up the same in some public part of his house, together with a copy of the tariff of his licence in English and French; and the clerk of the peace shall receive the sum of 10s. for every certified copy of the regulations and copy of the tariff from every ferryman, on the delivery thereof.

10th. Each and every ferryman who shall infringe the present regulations, or any part thereof, shall be liable to a fine not exceeding 20s. for each and every offence. No ferryman shall be held to take a copy of the tariff, or of the regulations, more than once, unless some amendment shall be made in such regulations and tariff; in which case the said ferrymen shall take a copy of the regulations and tariff as amended, at each and every time such amendments shall be made.

12th. That all and every person or persons who are now, or may hereafter be licensed ferrymen in this district, shall reside, or keep and maintain on the side of the river on which he or they shall be so licensed, the establishment of men, canoes, batteaus or scows, poles, paddles and oars, prescribed by the rules and regulations already in force respecting ferrymen; and that if one person should obtain a ferry licence for both sides of any river in this district, he shall be bound to have some person resident on each side of the river, and to keep and maintain the aforesaid establishment on each and both sides of such river, under the penalty of 20s.

Appendix (C.)

LIST of all INDICTMENTS for Assault and Battery with intent to Murder, for the last Five Years; stating whether the Bill was found or not, whether a Trial was or was not had thereon, and for what reason the Trial did not take place; and if found, whether a Conviction ensued for a simple Assault, or an Assault with an intent to Murder, and the Amount of the Fees payable by Government on such Indictments, and on all Proceedings relating and incidental thereto.

Years.	Names of Offenders.	Finding of the Grand Jury.	Verdict of the Petty Jury.	Amount of probable Fees payable by Government.	Reason why Trial did not take place.
				£. s. d.	
1831	Alexis Thibadeau, &c.	true bill -	guilty of assault -	1 - -	default, Bench warrant.
	Mary Benoit, &c.	no bill -	no trial -	- 6 8	
	Louis Tomaquois	true bill -	ditto -	- 11 8	
	Alexis Latreille	ignoramus	ditto -	- 6 8	
	Louis Robert	no bill -	ditto -	- 6 8	
	Hypolite Beaulieu, &c.	ditto -	ditto -	- 6 8	
	Alexis Latreille	true bill -	guilty of assault -	1 - -	
1832	John Houliston	ditto -	guilty of simple assault	1 - -	default.
	Henry Drinnan	ditto -	ditto -	1 - -	
	John Macphail	ditto -	ditto -	1 - -	
	Edward Gorrigan	no bill -	- - -	- 6 8	
	Catherine Lagrave	true bill -	ditto -	1 - -	
	George Bright	ditto -	- - -	- 11 8	
	Mary Desange Baril	no bill.	- - -	- - -	
	John Cox	true bill -	ditto -	1 - -	
	Wm. Warrington	ditto -	not guilty -	1 - -	
	Hector Robert Major	ditto -	guilty of simple assault	1 - -	
	Louis Bigné	ditto -	guilty -	1 - -	
1833	Simon Simoulan	ditto -	not guilty -	1 - -	default.
	Walter Tule	ditto -	guilty -	1 - -	
	Augustin Lazard	ditto -	ditto -	1 - -	
	Robert Campbell	ditto -	guilty of simple assault	1 - -	
	Thomas Monné	ditto -	ditto -	1 - -	
	Charles Pepin	ditto -	ditto -	1 - -	
	Adolphus Stein	ditto -	ditto -	1 - -	
	Charles Lamolle	ditto -	ditto -	1 - -	
	John Ralph	ditto -	ditto -	1 - -	
	Matthew Merrick	no bill -	- - -	- 6 8	
	F. C. Bellerive	true bill -	ditto -	1 - -	
	Joseph Robert	ignoramus.	- - -	- - -	
	Pierre Bergeron	true bill	- - -	- 6 8	
	Pierre Dehwiél	true bill -	ditto -	1 10 -	
	Pierre Barron	ditto -	- - -	- 6 8	
	Joseph Vanasse	ditto -	not guilty -	1 - -	
	Albert Robinson	true bill	- - -	- 6 8	
	Antoine Raymond	ditto -	- - -	- 6 8	
	Olivier Lamotte	no bill -	- - -	- 6 8	
	Charles Pampule	true bill -	guilty of simple assault	1 - -	
1834	Charles Duff	ignoramus	- - -	- 6 8	default.
	Firmin Babineau	no bill -	- - -	- 6 8	
	Flavin Cormier	ditto -	- - -	- 6 8	
	Michael Davis	true bill -	not guilty -	1 - -	
	Stephen Perkins	ditto for assault.	- - -	- 6 8	
	Eugene Rousseau	true bill -	- - -	- 6 8	
	Firmin Babineau	ditto -	guilty of assault -	1 - -	
	Louis Cormier	ditto -	- - -	- 6 8	
	John Brown	ditto -	ditto -	1 - -	
	Joseph Vanasse	ditto -	ditto -	1 - -	
	Jean Rochleau	ditto for assault.	- - -	- 6 8	
	Jos. B. Larivière	ditto -	- - -	- 6 8	
	L. M. Sénéchal	ditto -	- - -	- 6 8	
	François Lami	true bill -	guilty -	1 - -	
	William Tuffs	ditto -	guilty of assault -	1 - -	
	Ditto	ditto -	ditto -	1 - -	
	Thomas Graham	ditto -	- - -	- 6 8	

(continued)

Years.	Names of Offenders.	Finding of the Grand Jury.	Verdict of the Petty Jury.	Amount of probable Fees payable by Government.	Reason why Trial did not take place.
1834	Antoine Hebert -	- true bill for assault.	guilty of assault -	£. s. d. - 6 8	
	Roderick Nickalls -	- ditto -	- - - - -	- 6 8	default.
	Michel Mulhollan -	- ditto -	- ditto - - -	- 6 8	
	Joseph Robert -	- ditto -	- ditto - - -	- 6 8	
	Marie Poirier -	- no bill -	- - - - -	- 6 8	
	David Thibadeau -	- true bill for assault.	not guilty - - -	1 - -	
	Geneviève Rouillard -	- ditto -	- - - - -	- 6 8	default.
	Michel Boisvin -	- ditto -	guilty - - - -	- 6 8	
	Isidore Gramend -	- no bill -	- - - - -	- 6 8	
	Peter Plunket -	- true bill for assault.	not guilty - - -	- 6 8	
1835	Charles Gardippi -	- ditto -	- ditto - - - -	- 6 8	
	Felix Permentier -	- ignoramus -	- - - - -	- 6 8	
	Elie St. Hilaire -	- no bill -	- - - - -	- 6 8	
	Jean Bte. Nagagarva -	- true bill -	guilty - - - -	1 - -	
	Louis Proulx -	- ditto -	not guilty - - -	1 - -	
	André Boudoine -	- ditto -	- ditto - - - -	1 - -	
	Louise Daniel -	- ditto -	- ditto - - - -	1 - -	
	François Larose -	- true bill for assault.	- - - - -	- 6 8	
	Mary Anne Dumas -	- ditto -	- - - - -	- 6 8	
	François Noël -	- true bill -	guilty of assault -	1 - -	
	Alexis Rousseau -	- ditto -	- ditto - - - -	1 - -	
	Charles Burke -	- no bill -	- - - - -	- 6 8	
	Pierre Gageant -	- ditto -	- - - - -	- 6 8	
	Luc Vincent -	- ignoramus -	- - - - -	- 6 8	
	Louis Lachance -	- true bill -	no verdict; traverse -	- 6 8	
	Flavien Vadboncœur -	- ditto -	guilty of simple assault	1 - -	
	Francis Kelly -	- ditto -	- - - - -	- 11 8	default.
	Edward Rancour -	- ditto -	not guilty - - -	1 - -	
	Benjamin Blanchet, &c.	- ditto -	- ditto - - - -	1 - -	

Three Rivers, 15 December 1835.

(signed) David Chisholme,
Clerk of the Peace.

Appendix (D.)

COPIES of Thirteen Depositions upon which Indictments for Assault and Battery with an intent to Murder have been preferred.

District of Three Rivers.

Catherine Defossés, wife of the late Jean Baptiste Robert, of the town of Three Rivers, maketh oath and saith, that on the 8th day of March instant, at Three Rivers, in the county of St. Maurice and district aforesaid, Louis Robert, of the said town, labourer, did violently assault and beat this deponent by striking her with an iron poker several blows on the right hand, and other parts of her body, without any just and reasonable cause; wherefore the deponent prayeth that justice may be done in the premises, and saith she cannot sign.

Taken and sworn this 10th day of March 1831, before me, Jean Emanuel Dumoulin, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers.

(signed) J. E. Dumoulin, J. P.

(Endorsed.)

Q. S. No. 186. Information for an assault to murder, by Catherine Defossés v. Louis Robert.

Witness, J. E. Dumoulin, esq.

District of Three Rivers.

Louis Perrault, shoemaker, of the town of Three Rivers, maketh oath and saith, that on the 13th day of September, at Three Rivers, in the county of St. Maurice, and district aforesaid, *Pascal Rondeau*, labourer, of the same place, did violently assault and beat this deponent, by striking him with his fists on the breast, without any just and reasonable cause; wherefore the deponent prayeth that justice may be done in the premises.

Taken and sworn this 15th day of September 1831, before me, *David Grant*, one of His Majesty's justices of the peace in and for the district of Three Rivers.

(signed) *David Grant, J. P.*

(Endorsed.)

No. 241. Information for an assault, by *Louis Perrault v. Pascal Rondeau*, 15th September 1831. *D. Grant, esq., J. P.*

Witnesses, *Josephthe Pagé, Alexis Gauden, Louis Perrault, François Bordeleau.*

District of Three Rivers.

The information and complaint of *Catherine Taylor*, of the town of Three Rivers, taken at the town of Three Rivers, this 16th day of February, in the year of our Lord 1832, before me, one of His Majesty's justices of the peace in and for the said district:

Who, being upon oath, says, that last night, being a lodger in the house of *John Cox*, of the town of Three Rivers, several persons were then and there assembled playing cards and drinking; that the persons so assembled did in the course of the evening quarrel amongst themselves, and that two of them in particular fought and struck each other; that besides this the company made great noise and disturbance; that the said *John Cox* and his wife also quarrelled; and that the said *John Cox* struck his wife several blows, at least two, and pushed her down stairs; that after this the deponent saw the said *John Cox* and his wife in the kitchen, where they had also quarrelled, and where she saw *Cox* strike his wife, upon which blood issued from *Mrs. Cox's* mouth; that upon this the deponent and another woman carried *Mrs. Cox* into an adjoining room, where the deponent left her under the care of this other woman; that the deponent also saw the said *Cox* strike one *Mrs. Smith*, a lodger, along with her husband in the house of the said *Cox*.

(Endorsed.)

No. 280. Information and complaint, upon oath, of *Catherine Taylor v. John Cox, &c*, 16th February 1832. Assault to murder.

District of Three Rivers.

Josephthe Gigniac, wife of *Pierre Flaumond*, of the town of Three Rivers, maketh oath and saith, that on the 9th day of January, at Three Rivers, in the county of St. Maurice, and district aforesaid, *Pierre Flaumond*, of the said town, did violently assault and beat this deponent by striking her with his fist several blows on the breast and other parts of her body, without any just and reasonable cause; wherefore the deponent prayeth that justice may be done in the premises.

Taken and sworn this 9th day of January 1833, before me, *B. P. Wagner* one of His Majesty's justices of the peace, in and for the district of Three Rivers.

(signed) *B. P. Wagner, J. P.*

(Endorsed.)

No. 1. Information for an assault, by *Josephthe Gigniac v. P. Flaumond*, 9th January 1833. Assault.

Edward M'Cabe, sen., personally appears before me, and deposeth under oath, that on the 26th day of January instant, in the morning, *John Ralph, sen.*, came in his house in the township of Wickham, abused and insulted him and his family without any provocation; and on being ordered out of the house, he struck with his clenched fist the deponent's son, *Edward M'Cabe, jun.*, in the body, and then took up a stick of stove wood, and advanced on the said *Edward M'Cabe, jun.*, with a threatening gesture, cursing and swearing that he would beat him and every man in the house, when he was luckily prevented by *John Ralph, jun.*, the deponent's son-in-law, one of the inmates of the house, who wrested the stick out

Correspondence
respecting
Mr. Chisholme.

out of his hands ; as the deponent was doing all in his power to pacify him, the said John Ralph told him, only that he was an old man he would strike and beat him likewise. Furthermore the deponent sayeth not.

(signed) *Edward M'Cabe.*

Sworn to before me, at Wickham, this 26th day of January 1833,

(signed) *Christ. Menut, J. P.*

Edward M'Cabe, jun., personally appeared before me, and deposeth under oath, that on the 26th day of January in the morning, instant, he was in his father's house, and the rest of the family, when John Ralph, sen., came in the house, and began by abusing and insulting every person in the house without any provocation ; and on his being ordered out of doors the said John Ralph struck him in the body with his clenched fist, and then took up a stick of stove wood and advanced on the deponent with an intention of striking him, and swearing at the same time that he would beat every man in the house, and being in the attitude of striking with the stick was luckily prevented by John Ralph, jun., one of the inmates of the house, who wrested the stick from his hand, and prevented him doing any more mischief. Further the deponent sayeth not.

(signed) *Edward M'Cabe, Jun.*

Sworn to before me at Wickham, this 26th day of January 1833.

(signed) *Charles Menut, J. P.*

(Endorsed.)

No. 20. Q. S. Dominus Rex v. John Ralph, sen., 26th January 1833, assault to murder.

Witnesses, Edward M'Cabe, sen., Edward M'Cabe, jun., and John Ralph, jun.

Province of Lower Canada, District of Three Rivers.

In the afternoon of this 1st day of the month of April, in the year of our Lord 1833, appeared before me, Jean Emanuel Dumoulin, esq., one of His Majesty's justices of the peace for the said district, *Joseph Rondeau*, labourer, residing in this town of Three Rivers, who being duly sworn on the Holy Evangelists to speak the truth, deposed and said, that Joseph Robert of the said town, labourer, has been for several months past in the habit of drinking strong liquors to such excess as to deprive himself altogether of his reason, and that being in that state, he disturbed not only his own family, but the neighbourhood ; that this present afternoon the said Joseph Robert, being in a state of intoxication, struck, beat, and ill-treated Marie Rondeau, his wife, and knocked her down in a brutal manner, so as to disturb the neighbourhood ; wherefore the deponent prays that the said Joseph Robert may be apprehended and required to find sureties for the peace, and be dealt with according to law.

Taken and sworn before me at Three Rivers, the day and year first above written.

(signed) *J. E. Dumoulin, J. P.*

(Endorsed.)

Quarter Sessions, No. 13. Dominus Rex v. Joseph Robert, 1st April 1833. Assault to murder.

Witnesses, 1. Joseph Rondeau ; 2. Marie Rondeau.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *William Henry Vallières de St. Réal*, of the parish of the town of Three Rivers, yeoman, taken at the town of Three Rivers this 2d day of December, in the year of our Lord 1833, before me, Joseph Pacaud, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid :

Who, being upon oath, saith, that this day, while the deponent was putting a lock on the door of a barn belonging to the Honourable Remi Vallières de St. Réal, where certain quantities of barley, wheat and peas are placed under seizure, and of which the deponent is guardian, duly appointed, one William Tuffs, of the said town, yeoman, came to the deponent with an axe in his hand, and then and there with the said axe threatened to beat and assault this deponent, and said that if he, the deponent, would put the said lock on the said barn, he, the said Tuffs, would pull it off.

(signed) *Wm. H. Vallières de St. Réal.*

(signed) *Jos. Pacaud, J. P.*

(Endorsed.)

Quarter Sessions, No. 107. Dominus Rex v. William Tuffs, 2d December 1833. Assault to murder.

Witness, Wm. Henry Vallières de St. Réal,

Province of Lower Canada, District of Three Rivers.

This present 31st day of the month of March, in the year 1834, personally appeared before me, Luc Michel Cressé, esq., one of His Majesty's justices of the peace for the said district of Three Rivers, *Hilaire Richard*, of the parish of St. Gregoire, farmer, who, being duly sworn on the Holy Evangelists to speak the truth, stated and deposed as follows; that is to say, that on Friday the 28th day of March last or instant, being then in the peace of our Lord the King, he was insulted and abused by Joseph Beaudon dit Larivière, of the said parish of St. Gregoire, farmer, who threw at deponent a stone which he then had in his hand, with the intent of striking deponent with it; and that he further threatened deponent with an axe-handle, which he took up and held in his hand; and that, on Saturday last, the said Joseph Beaudon took a stick, and struck deponent therewith; the whole without any provocation on the part of the said deponent. Wherefore the said deponent, having reason to fear that the said Joseph Beaudon Larivière may do him some further injury, prays that he may be apprehended, and made to give security to keep the peace, and also to appear at the next court of general quarter sessions of the peace which shall be held in the said district, in the court-house in the town of Three Rivers, on Monday the 21st day of the month of April next, then and there to abide by the judgment of the said court, and to be dealt with according to law; and the said deponent, being asked, declared himself unable to sign his name, these presents being duly read.

Taken and sworn to by the said deponent before me, at Nicolet, the year and day aforesaid.

(signed) *L. M. Cressé*, Justice of the Peace.

(Endorsed.)

Quarter Sessions, No. 138. Dominus Rex v. Joseph Beaudon Larivière, 30th March 1834. Assault to murder.

Witness, *Hilaire Richard*.

Province of Lower Canada, District of Three Rivers.

This present 19th day of the month of July, in the year 1834, personally appeared before me, Luc Michel Cressé, esq., one of His Majesty's justices of the peace for the said district of Three Rivers, *Charles Oirzease Boudreau*, residing in the parish of St. Antoine de la Baie du Febvre, farmer, who, being duly sworn upon the Holy Evangelists to speak the truth, deposed and stated as follows; that is to say, that on the 15th day of the present month, between nine and ten o'clock in the evening, being then in the peace of our Lord the King, he was struck on the right arm by Isidore Grandmond, of the said parish of St. Antoine de la Baie du Febvre, farmer, with a stick which he held in his hand, by means of which blow with the said stick deponent is unable to work; the whole without any provocation on the part of deponent. Whereupon the said deponent, having reason to fear that the said Isidore Grandmond will do him further injury, prays that he may be apprehended, and obliged to find sureties to keep the peace, and also to appear at the next court of general quarter sessions of the peace which shall be held for the said district, in the court-house in the town of Three Rivers, on Tuesday the 21st day of the month of October next, then and there to abide by the judgment of the said court, and to be dealt with according to law. And deponent, being asked, hath declared himself unable to write his name, these presents being duly read.

Taken and sworn to by the said deponent before me, at Nicolet, on the day and year aforesaid.

(signed) *L. M. Cressé*, Justice of the Peace.

(Endorsed.)

Nicolet, 19th July 1834, No. 164. Deposition of *Charles O. Boudreau* v. *Isidore Grandmond*. Assault to murder.

Witness, *Charles Oirzease Boudreau*.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *David Thibaudeau*, of the parish of St. Gregorie, labourer, taken at the town of Three Rivers this 27th day of September, in the year of our Lord 1834, before me, *Jean E. Dumoulin*, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid, who, being upon oath, saith, that on the 15th day of September instant he was violently assaulted, and his life, as he verily believes, put in danger by one *Marie Poirrier*, of the said parish, widow, who then and there had a knife in her hand, with which she threatened the deponent with bodily injury.

(signed) *J. E. Dumoulin*, J. P.

(Endorsed.)

Quarter Sessions, No. 193. Dominus Rex v. *Marie Poirrier*, 27th September 1834. Assault to murder.

Witnesses, 1, *David Thibaudeau*; 2, *Alexis Thibaudeau*; 3, *Louise Thibaudeau*.

Correspondence
respecting
Mr. Chisholme.

District of Three Rivers, County of Drummond, Township of Grantham, Lower Canada.

Henry Mahan, of the village of Drummondville, in the said district, county and township aforesaid, personally came and appeared before me, *John Ployart*, esq., one of His Majesty's justices of the peace for the said district, and having been duly sworn upon the Holy Scriptures, depose, that, having met *Peter Plunkett*, of the township of Wickham, in the said village of Drummondville, the said *Peter Plunkett* requested the deponent to go with him as far as *Mr. Sutherland's*, where he would treat the deponent with liquor; that he, the deponent, accordingly accompanied him, the said *Peter Plunkett*, to *Mr. Sutherland's*; and there, not being able to obtain any liquor, the deponent then proposed to the said *Peter Plunkett* that he would go and get half a pint, which the said *Peter Plunkett* consented to, and told the deponent, at the same time, to fetch the deponent's father, that he might also share the liquor; accordingly, the deponent took *Peter Plunkett's* mare, in order to go the quicker, and then went as far as the registry-office, where the deponent's father was, whom he requested to come to see the said *Peter Plunkett*; the deponent's father declined the invitation, saying he would not; the deponent then returned, and, when arrived opposite *Mr. Henry Menut's* tavern, met again the said *Peter Plunkett*, crying out damnation to deponent's soul; and immediately the said *Peter Plunkett* knocked the deponent down with a club that the said *Peter Plunkett* held in his hand. This happened on Thursday the 10th of July.

Sworn to before me at the township of Grantham, this 11th day of July 1834.

(signed) *John Ployart, J. P.*

(Endorsed.)

Quarter Sessions, No. 161, October 1834. Dominus Rex v. *Peter Plunkett*. Assault to murder.

Witnesses, *Henry Mahan*, *George Marler*, *Thomas Sadlier*, *Henry Buttle*,
Joseph Doherty, *Mrs. Prosser*.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *Jean Baptiste Gauthier*, of the town of Three Rivers, baker, taken at the town of Three Rivers, this 8th day of June, in the year of our Lord 1835, before me, *Henry F. Hughes*, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid, who, being upon oath, saith, that the deponent this day saw one *François Larose*, of the said town, labourer, assault and beat one *Louis Gabourie*, son of *Jean Gabourie*, of the said town, shoemaker; the age of the said boy, as the deponent is informed, 11 years.

(signed) *Henry F. Hughes, J. P.*

(Endorsed.)

Quarter Sessions, No. 266. Dominus Rex v. *François Larose*, 8th June 1835. Assault to murder.

Witnesses, 1, *Jean Baptiste Gauthier*; 2, *Louis Gabourie*; 3, *Jean Gabourie*;
4, *Michel Giroux*.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *Ezekiel Hart*, esq., of the town of Three Rivers, this 8th day of June, in the year of our Lord 1835, before me, *René Kimber*, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid, who, being upon oath, saith, that this day the deponent was threatened to be assaulted and struck by one *Pierre Gageant dit Lafleur Fleurie*, of the said town, labourer, he, the said *P. G. dit Fleurie*, having at the time of the said assault an axe in his right hand; and this without any just cause of provocation.

(signed) *René Kimber, J. P.*

(Endorsed.)

Quarter Sessions, No. 267. Dominus Rex v. *Pierre Gageant dit Lafleur*, 8th June 1835. Assault to murder.

Witness, *Ezekiel Hart*, esq.

Appendix (E.)

COPIES of Seventeen Depositions upon which some of the first Indictments of each Year, since 1831, presented to the Grand Jury for Assault and Battery with an intent to murder, were founded.

District of Three Rivers.

Jean Robicheau, of the parish of Nicolet, labourer, being duly sworn on the Holy Evangelists, deposeth and saith, that yesterday, being on his way travelling from Nicolet to Bécancour, he and his father, François Robicheau, entered the house of one Knock, a capitaine of the parish of St. Grégoire, where they found and met Alexis Thibeau and Nicholas Trudel of the said parish of St. Grégoire, both of whom, without any provocation on the part of himself or his father, fell upon them both in the most violent manner, struck them to the ground, and maltreated the deponent so severely that he was rendered senseless for some time, in consequence of the severe blows which he received from the said Alexis Thibeau, the said Trudel holding the door shut to prevent his getting out and making his escape. That the violent treatment which this deponent received from the said Thibeau and Trudel was of such a description, that had he not at last made his escape from the said house, they would have murdered him on the spot. Wherefore he prays that they may be dealt with according to law; and he cannot sign.

Sworn before me, this 19th day of October 1830.

(signed) *J. M. Badaux, J. P.*

(Endorsed.)

Q. S. No. 136. Deposition of Jean Robicheau v. Thibeau and Trudel, 19th of October 1830. Assault to murder.

District of Three Rivers.

Before me, the honourable T. Coffin, esq., one of His Majesty's justices of the peace for the district aforesaid, appeared *François Rottono*, of the said town of Three Rivers, grand chief of the Algonquin Indians, who being duly sworn on the Holy Evangelists to speak the truth, hath declared and said, that on this day, about one o'clock in the afternoon, Louis Tomaquois, an Abenakis Indian, and Josef Launière, an Algonquin Indian, came into his house, and without any provocation threatened to kill him; wherefore deponent has reason to believe and fear that the said Louis Tomaquois and Josef Launière have a design against his life, and prays that they may be apprehended and dealt with according to law; and hath declared himself unable to write his name.

Three Rivers, 13 November 1830.

Taken and sworn before me at Three Rivers, the day and year above written.

(signed) *T. Coffin, J. P.*

(Endorsed.)

Q. S. No. 114. Deposition of François Rottono v. Louis Tomaquois and Josef Launière, 13th November 1830. Assault to murder.

District of Three Rivers.

Before me, Jean E. Dumoulin, esq., one of His Majesty's justices of the peace for the said district, appeared *Marie Desilait*, wife of Joseph Loranger, of the parish of le Cap de la Magdeleine, who, being duly sworn on the Holy Evangelists, deposed and said, that on Saturday last, the 8th instant, between nine and ten o'clock in the evening, Alexis Latreille, of the parish of le Cap de la Magdeleine, farmer, broke open the door of the house in which she lives; that having so broke open the said door, which was shut and had a bar above the latch, he entered the house, saying "Where is Marchand?" that having been informed that Marchand was absent, he came up to the bed of deponent's husband, ill-treated him, and pulled him about; and forced him to get out of his bed by the violence he offered him; that the said Alexis Latreille came in cursing and swearing, and also assaulted deponent, who is with child, and who being afraid that he the said Latreille, being then in a passion, would do her further injury, was forced to fly to a neighbour's house with her child in her arms; that from the threats then used by the said Latreille, she has reason to believe that he had a design against her life, or that of her husband, or William Marchand, if he had been in the house; and that she has reason to believe, from the threats used by the said Latreille, that

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he will repeat his violence. Wherefore she prays that the said Latreille may be apprehended and dealt with according to law; and hath declared herself unable to write her name.

Taken and sworn before me at three Rivers, the 14th of January 1831.

(signed) *J. E. Dumoulin, J. P.*

(Endorsed.)

Q. S. No. 176. Deposition of Marie Desilait v. Alexis Latreille, 14 January 1831. Assault to murder.

Yamaska, 19 August 1831.

About nine o'clock this morning, — *Bright*, the millwright, came up to my house when at breakfast, and said he wanted to speak to me. I observed to him to go away and finish his work. He went away accordingly, observing in a low tone of voice (but which I distinctly heard) that he would break my wheels before he left. I followed him down to the mill, where I observed him with an axe knocking at the wheel. I desired him to stop, or I would grant a warrant for him, and have him taken up by a constable. He then drew an axe, and swore he would cut my head off, or any constable that would attempt to put a finger on him. I withdrew for fear from my engine-house.

(signed) *W. Buchanan.*

Sworn to before me by William Buchanan, esq., St. Michael de Yamaska, 19th of August 1831.

(signed) *Pre. The. Chevretils, J. P.*

(Endorsed.)

No. 233. 19 August 1831. Deposition of William Buchanan, esq., v. George Bright.

District of Three Rivers.

Edward Gorrigan, of the parish of the town of Three Rivers, maketh oath and saith, that on the 30th day of December, at the said parish in the county of St. Maurice, and district aforesaid, Henry Drinnan, of the said parish, yeoman, did violently assault and beat this deponent, by striking him with a pitchfork several blows on the head and other parts of his body without any just and reasonable cause; wherefore the deponent prayeth that justice may be done in the premises, as he, the deponent, verily believes that the said Henry Drinnan would have murdered him, and did intend to murder him.

(signed) *Edward Gorrigan.*

Taken and sworn this 13th day of December 1831, before me, T. Coffin, one of his Majesty's justices of the peace in and for the district of Three Rivers.

(signed) *T. Coffin, J. P.*

(Endorsed.)

No. 268. Information for an assault to murder, by Edward Gorrigan v. Henry Drinnan. 13th December 1831.

Witnesses, Louis Nouvelle Lacroix, Cap de la Magdeleine; Edward Gorrigan.

District of Three Rivers.

The information and complaint of *Henry Drinnan*, of the parish of the town of Three Rivers, taken at the town of Three Rivers this 14th day of December, in the year of our Lord 1831, before me, one of His Majesty's justices of the peace in and for the said district.

Who, being upon oath, says, that yesterday, the 13th day of December instant, at the said parish, Edward Gorrigan, of the said parish, labourer, did violently assault and beat the deponent, by striking and stabbing him in the head, and other parts of his body, with a knife; and the deponent verily believes that the said Edward Gorrigan intended to murder him.

(signed) *Henry Drinnan.*

Taken before me the day above written.

(signed) *David Grant, J. P.*

(Endorsed)

No. 269. Information and complaint to murder, upon oath of Henry Drinnan v. Edward Gorrigan, 14th December 1831.

Witnesses, Henry Drinnan, Louis Nouvelle Lacroix, Pierre Grenier.

District of Three Rivers.

John Shaw, of the parish of Gentilly, labourer, maketh oath and saith, on the 18th day of December instant, at Gentilly aforesaid, in the county of Nicolet and district aforesaid, *John Macphail*, of the said parish, labourer, did violently assault and beat this deponent, by striking him several blows on the head and other parts of the body, without any just and reasonable cause. Wherefore the deponent prayeth that justice may be done in the premises, as he saith and verily believes that the said *John Macphail* intended to take his life, telling him at the same time that he would do so.

Taken and sworn this 20th day of December 1831, before me, one of His Majesty's justices of the peace, in and for the district of Three Rivers.

(signed) *J. E. Dumoulin, J. P.*

(Endorsed.)

No. 270. Information for an assault to murder, *John Shaw v. John Macphail*, 20 December 1831.

Witnesses, *Joseph Révard dit Lavigne*, of the parish of Gentilly; *Magdeleine Poisson*, his wife; *Valère Révard dit Lavigne*.

District of Three Rivers.

Deposition of *Marie Josephte Aloncaret*, an Abenakis woman, wife of *François Joseph Lazard*, an Abenakis Indian, of the village of *St. François*, in the county of *Yamaska*, in the said district of Three Rivers.

The said *Marie Josephte Aloncaret*, wife of the said *François Joseph Lazard*, being duly sworn to speak the truth, deposed and said, that during the absence of her husband, by whom she is about eight months gone with child, and who has been absent hunting since last winter, *Augustin Lazard*, her brother-in-law, an Abenakis of the said village of *St. François*, being drunk and in a passion, came into the house of deponent, his sister-in-law, in the afternoon, about the month of May last, and being there, struck the tables and partitions for the purpose of alarming the deponent; that several persons came in about the same time, on seeing whom he desisted from his proceeding, but deponent does not know to what point he might have carried his audacity if no one had come in at the time; that since the said time, the said *Augustin Lazard* has on many occasions constantly manifested a certain hatred and spite against deponent, of which she cannot discover the cause; that more particularly on Monday last, the 22d day of the month of October instant, about an hour before sunset, the said *Augustin Lazard*, being drunk and in a passion, came towards the door of the deponent, at the said village of *St. François*; that on perceiving him, deponent withdrew into her house, shut the door, and kept it closed with a small piece of wood which she held in her hands, in order to prevent him from coming in; that notwithstanding this, the said *Augustin Lazard* tried to force the door for the purpose of getting in; that being unable to enter by the door, he perceived a window open which had been taken out for the purpose of taking in some Indian corn, and he entered the house by the said window; that being then in a violent passion, he made himself master of the house, striking with his fist upon the partitions and table, as if he wished to break them, and coming towards deponent to beat and ill treat her; that she withdrew into another apartment to get out of his way; that she remained there trembling with fear at the appearance of the said *Lazard*, who, as it appeared to her, was determined to beat and maltreat her, which she believes he would really have done, if he had not been opposed by the mother and sister of deponent, who gave her time to get out of his way by placing themselves before her; the whole without any provocation on the part of deponent; from all which, deponent has reason to believe, and does believe and fear that her life is in danger, and more especially that of the child she carries in her womb, and that being in this state of fear she is prevented from going out alone to attend to her business, and is obliged to shut herself up early every evening with her relations, under the apprehension that she may be exposed to some new acts of violence on the part of the said *Augustin Lazard* ever since the period aforesaid; wherefore, she demands the aid of the law to cause him to be apprehended; and further she saith not, but hath persisted in this deposition, made at *St. Michael d'Yamaska*, this 26th day of the month of October 1832; deponent declaring herself unable to write; these presents being duly read.

The foregoing deposition sworn to before me, by the deponent therein named, at *St. Michael d'Yamaska*, this 26th day of October 1832.

(signed) *Pre. Sh. Chevretils, J. P.*

(Endorsed.)

Q. S. No. 559. Deposition of *Marie Josephte Aloncaret*, wife of *Frs. Jos. Lazard*, an Abenakis Indian *v. Augustin Lazard*. Assault to murder.

Witness, *Marie Josephte Aloncaret*.

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District of Three Rivers.

James Mackinnon, of the town of Three Rivers, tailor, being duly sworn, deposeth and saith, that on the night of Friday, the 16th day of November instant, one Robert Campbell, of the same town, mason, came to the door of this deponent's house, and with violence endeavoured to force it open; that being at last admitted, he seized this deponent's wife, Catherine Lynch, by the throat, and this deponent verily believes that had he, the deponent, not gone to her assistance and rescued her, the said Campbell would have then and there killed and murdered his said wife.

(signed) *James M'Kinnon*.

Sworn before me this 17th day of November 1832.

(signed) *Joseph Pacaud, J. P.*

(Endorsed.)

No. 561. January, Q. S., 1833. Dominus Rex v. Robert Campbell, 17th November 1832. Assault to murder.

Witnesses, James M'Kinnon, Catherine Lynch, Mary Costley (Mrs. Tweets), Charles Cadaret, John Mann.

By one of His Majesty's Justices of the Peace for the District of Three Rivers.

George Newsom Turner, boot and shoemaker of the town of Three Rivers, personally appeared before me and made oath on the Holy Evangelists, that his life was threatened by Thomas Maine, on the 25th of December, and that the said Thomas Maine violently swore that before he would sleep he would have his hands through the inside of deponent; at the same time, that the said Maine had a knife in one hand and a shoemaker's hammer in the other. Deponent further swears that after giving said Thomas Maine in charge to John Jurden, constable, he refused to go to gaol, and kicked said John Jurden and deponent in a most violent manner; and deponent further swears that he verily believes that the said Thomas Maine intends to assassinate him, without deponent giving him the smallest provocation.

Three Rivers, 26 December 1832.

Sworn before me and signed by the deponent.

(signed) *George N. Turner*.

J. E. Dumoulin, J. P.

(Endorsed.)

Q. S. No. 574, January 1833. Dominus Rex v. Thomas Maine, 26th December 1832. Assault to murder.

Witnesses, George Newsom Turner, John Jurden, John Stronach.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *Louis Desiré Caron*, of the parish of River du Loup, yeoman, taken at the town of Three Rivers, this 12th day of November, in the year of our Lord 1833, before me, Jean Emanuel Dumoulin, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid.

Who being upon oath, saith, that yesterday the 11th day of November instant, this deponent was violently assaulted by one Joseph Vanasse, of the said parish of River du Loup, yeoman; the said Joseph Vanasse having then and there an axe and a knife in both his hands, with which this deponent verily believes the said Joseph Vanasse then and there intended to kill and murder this deponent.

(signed) *Louis Desiré Caron*.

J. E. Dumoulin, J. P.

(Endorsed.)

Quarter Sessions, No. 101. Dominus Rex v. Joseph Vanasse, 12th November 1833. Assault to murder.

Witnesses, 1. Louis Desiré Caron; 2. Benjamin Bellmard; 3. Moyse Vanasse; 4. François Pacquin; 5. Jean B^{te} Belland; 6. Alexis Vanasse.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *John Liddle*, of the parish of the town of Three Rivers, labourer, taken at the town of Three Rivers, this 28th day of December, in the year of our Lord 1833, before me, Henry Francis Hughes, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid :

Who being upon oath, saith, that this morning this deponent was violently assaulted and beaten in the head with an iron collar, by one John Brown, of the said town, labourer; that from this attack the deponent considered his life to be in danger.

(signed) *Henry F. Hughes, J. P.*

(Endorsed.)

Quarter Sessions, No. 111. Dominus Rex *v.* John Brown, 28th December 1833. Assault to murder.

Witnesses, 1. John Liddle; 2. George Lindsay; 3. Robert Dewar; 4. John Swanson.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *Xavier Durand*, of the town of Three Rivers, labourer, taken at the town of Three Rivers this 26th day of November, in the year of our Lord 1834, before me, Sueton Grant, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid :

Who being upon oath, saith, that last night having asked Elie St. Hilaire, of the said town, labourer, to pay to him the sum of 2s. 6d., which he owed to the deponent, he having a knife in his hand, assaulted the said deponent with the said knife, with intent, as the deponent believes, to kill and murder this deponent; that Catherine Petit, the wife of the said Elie St. Hilaire, also beat and assaulted the deponent last night.

Taken before me, year and day above written.

(signed) *S. Grant, J. P.*

(Endorsed.)

Quarter Sessions, No. 213. Dominus Rex *v.* Elie St. Hilaire and his wife, 26th November 1834. Assault to murder.

Witnesses, 1. Xavier Durand; 2. Louis Courteau; 3. Jacques Durand; 4. Pierre St. Hilaire.

District of Three Rivers.

Laurent Portneuf, of the Abenakis tribe, of the village of St. François, hunter, being duly sworn on the Holy Evangelists, doth depose and say, that on Saturday last, the 31st day of January last, Jean B^{te} Nagagawa, of the same tribe, hunter, assaulted, threatened, struck and beat him, and afterwards assaulted him with an axe handle and threatened to kill him; and that deponent fears that the said Jean B^{te} Nagagawa will carry his threats into execution, and demands my authority to cause the said Jean B^{te} Nagagawa to be apprehended and dealt with according to law, and hath declared himself unable to sign his name.

Sworn before me at La Baie St. Antoine, this 6th day of February 1835.

(signed) *Fr. Cottrell, J. P.*

(Endorsed.)

No. 246. 6th February 1835. Deposition of *Laurent Portneuf v. Jean B^{te} Nagagawa*. Assault to murder.

Province of Lower Canada, District of Three Rivers.

The information and complaint of *Elie St. Hilaire*, of the town of Three Rivers, labourer, taken at the town of Three Rivers, this 10th day of February, in the year of our Lord 1835, before me, Sueton Grant, esq., one of His Majesty's justices of the peace in and for the district of Three Rivers aforesaid :

Who being upon oath, saith, that this day the deponent was violently beaten and assaulted by one Louise Daniel, of the said town, widow, she having a knife in her hand, with which the deponent verily believes she intended to kill and murder the deponent, against the peace, &c.

Sworn before me.

(signed) *S. Grant, J. P.*

(Endorsed.)

Quarter Sessions, No. 236. Dominus Rex *v.* Louise Daniel, 10th February 1835. Assault murder.

Witnesses, 1. Elie St. Hilaire; 2. Catherine Petit.

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Jean Baptiste Boudreau and *Placide Guillardé*, both of the parish of St. Grégoire, seamen, being duly sworn, depose and saith, that on Thursday the 25th day of December 1834, a man of the name of *Louis Proulx*, also of the said parish, came into the house of one of the deponents, *Jean Baptiste Boudreau*, where the other deponent, *Placide Guillardé*, then was; that the said *Louis Proulx* then and there threatened, struck and assaulted the said *Placide Guillardé*, and that the said *Louis Proulx* did in fact strike and assault the said *Placide Guillardé*, with the intention of killing and taking the life of the said *Placide Guillardé*, and this in the house of one of the deponents, *Jean B^{te} Boudreau*; and further the deponents say not. This deposition being read over to them, they declare that it contains the truth, and persist therein; and one of them hath signed the same, the other declaring himself unable to do so.

(signed) *Placide Guillardé.*
his
Jean B^{te} × Boudreau.
mark.

Three Rivers, 12 January 1835.

Taken in open court.

(signed) *David Chisholme, Clk. P.*

(Endorsed.)

No. 224. Q. S. April 1835. *Dominus Rex v. Louis Proulx*, January 1835. Assault to murder.

Witnesses, *Jean B^{te} Boudreau*, *Placide Guillardé*.

Province of Lower Canada, District of Three Rivers,

Marie Chartier, wife of *Amable Allard*, of the town of Three Rivers, labourer, being upon oath, depose and saith, that the day before yesterday, the 26th day of February instant, she saw one *André Boudoin*, of the said town, shoemaker, assault his wife, *Leclair Rousseau*, with a knife, against the peace; and being afraid that the said *Boudoin* will do further harm and injury to his said wife, the deponent prays that justice may be done in the premises.

Sworn before me, this 28th day of February 1835.

(signed) *J. E. Dumoulin, J. P.*

(Endorsed.)

Q. S. No. 228. April 1835. *Dominus Rex v. André Boudoin*. Assault to murder.

Witnesses, *Marie Chartier*, *Leclair Rousseau*.

Enclosure 4, in No. 1.

Mr. *Chisholme's* Defence; with Four Enclosures, (A.), (B.), (C.), (D.)

To his Excellency the Right Honourable the Earl of Gosford, Captain-general and Governor-in-chief in and over the Province of Lower Canada.

The Memorial and Defence of *David Chisholme*, Clerk of the Peace for the district of Three Rivers, to the charges advanced against him by the House of Assembly of Lower Canada:

May it please your Lordship,

By a letter, dated the 2d of March instant, which I had the honour to receive from the civil secretary, I am officially informed that your Excellency having received an address from the House of Assembly, accompanied by accusations of a very grave nature against my character and conduct as a public officer, your Lordship deems it right, before taking any steps in the matter, that I should have an opportunity of making any defence to the charges advanced against me that it may be in my power to offer.

I sincerely thank your Lordship. You have imposed a great task, but a still greater obligation upon me; for though placed at the stake, it is a consolation to find that I am not to be sacrificed unheard. Indeed it were wonderful if, in a British soil, and surrounded and protected by British laws, as we here have still the good fortune to be, the contrary should ever happen. But, I must say it, that there exists at present in these parts of the King's dominions a hunt of obloquy, and an enraged and savage cannibalism of private and public reputation, which is not only without parallel, but a disgrace to a free christian people; and it would be truly well if every power and faculty of the laws were enforced to restrain and annihilate

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annihilate so terrible a scourge. Amongst a free people, governed and ruled by free institutions, it cannot indeed but be that strife and animosity will arise between contending parties, and impel either side to the perpetration of deeds and actions which, when the storm is over, and the mind restored to its natural element and powers of reflection, must ever be the source of much sorrow and shame. But when parties descend to personal retaliation and the interchange of the basest and most malignant passions of the human heart, no moral power can control them, and no remorse compensate the evils which they inflict upon civil society, and, in truth, society itself must inevitably be dissolved. It is therefore with the discretion, the decision and ability of vice-royalty, that your Lordship is both morally and politically bound to destroy a pestilence which threatens to involve a people, almost otherwise happy, in ruin and confusion. With these sentiments I beg leave to approach your Lordship with mine humble, but, I trust, efficacious defence.

I am called upon, with the least possible delay, to furnish answers to charges which have occupied nearly four months in their manufacture. It is well; but I did not think it would come to this. I did hope that, if at all put upon my defence, I should have been permitted to confront my adversaries face to face, and have been allowed equal time, equal opportunity and equal ability to assist me. But it is no matter; alone, and totally unaided though I am, I do not shrink from the duty and commands imposed upon me. I have a character to maintain, and civil rights to defend. It is true my abilities are humble, and in every way inadequate to the task, but I thank God that Justice is still as blind to the influence of talent, however combined, as to that of corruption, and that truth is still the polar star of her sacred functions.

In thus, then, availing myself of the indulgence afforded to me, it must be very obvious to your Lordship, endowed as I am sure you are with a competent and extensive knowledge of the principles and practice of our happy constitution of government, and the imprescriptible rights and liberties of a British subject, that the communication which it has been your pleasure to order to be made to me, has most unexpectedly placed me in a very extraordinary and unparalleled predicament. I am suddenly, and in a moment of time, called upon to plead before a tribunal happily unknown to our laws, a tribunal that arrogantly assumes to itself the incompatible and dangerous offices of accuser and judge. I am called upon to make my defence to charges that have no foundation, either in fact, in civil, in criminal, or in constitutional law. I am called upon to answer accusations which I know and could prove to have originated in private and not in public motives, and to have been preconcerted in a secret conclave; not, to do it justice, of the House of Assembly, nor of its committee, but of private and personal enemies in every respect worthy of being denominated a modern order of St. Dominick. But who has accused me to your Lordship, or to any of the other branches of the legislature, of the high crimes and misdemeanours laid to my charge? Has any magistrate, any grand or petty juror, any defendant, any prisoner, or any other individual, public or private, who may have been injured by any of my official acts or misdeeds? Not one, my Lord. Yet, strange to tell, I am called upon to answer charges without a complaint, or even a complainant, except those who have at once accused, tried and condemned me! I am called upon to repel charges against my character and conduct as a public officer, in support of which no evidence was ever adduced, and which have never been proved either legally or constitutionally. I am called upon for my defence, not on or before trial, but after my condemnation; and at the point where execution is ordered, and desired to be carried into effect, I am called upon for my defence: instead of my last words and dying speech, I am put upon my deliverance when, if the House of Assembly have power to award judgment, no plea can avail me, no defence acquit me, and no counsel serve me. If I plead at all, I must do so in irons; condemnation has already gone forth against me; and if the forms and the sacred principles of justice are to be deviated from, and basely trampled under foot, as it is attempted to be done on the present occasion, who can stay the ruthless and despotic arm of tyranny and oppression? What then remains for me, but solemnly to protest against such proceedings? They are unheard of in civil, criminal or constitutional law; they are not written in any code of British jurisprudence; and are totally excluded from the consecrated immunities of freemen. What then, my Lord, I repeat, remains for me but to appeal from proceedings so unprecedented to the principles of eternal justice, and the inherent rights and liberties of a British subject?

Before proceeding, therefore, to refute more specifically the nature and character of the charges urged against me by the House of Assembly, I must be permitted by your Lordship to enter upon a slight discussion of what I humbly and respectfully conceive to have been hitherto considered as an infringement of the rights and principles which I have ventured to invoke.

On the 30th of November last I was summoned to appear before a special committee of the House of Assembly, "appointed to inquire concerning the fees and emoluments received by the attornies, clerks of the peace, and by other officers of civil and criminal courts of judicature in this province, by virtue of tariffs made by the said courts, and generally concerning all fees and emoluments received by virtue of tariffs made by the said courts." I accordingly appeared before the committee, and, in terms of the order transmitted to me, laid before it "all books and documents tending to show correctly, and without reserve, the amount of the fees and emoluments of the said clerk of the peace, and of the other officers of the court of quarter sessions of the peace, from whatever source derived, during the last five years." And here let me be permitted to call the especial attention of your Lordship to the fact, that in calling for all these "books and documents," the special committee assumed to itself a power which it did not and could not possess, by deviating from the order of reference made by the House of Assembly; and in addition to the "books and documents" in question, called upon me to bring and lay before it, "A list of

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all the indictments laid before the grand jury of the court of quarter sessions for the district of Three Rivers, during the last 10 years; distinguishing cases of mere assault and battery from those where the indictment was for assault and battery with intent to murder;" and "the depositions or affidavits on which such indictments, either for mere assault and battery, or for assault and battery with intent to murder, were preferred."

I had nothing to conceal from the special committee, the House of Assembly or the public at large; I yet have nothing; and if I had been called upon to give an account of my private affairs and my domestic economy, I should have been equally ready and willing to comply with the request, however indecent or illegal I might be tempted to esteem an investigation so unusual, and at such variance with the courtesy of society. Men of honour and conscious integrity may err, and often do so, but they cannot deceive. It is that they are so frequently circumvented, though not ultimately vanquished, by persons of design, intrigue and malevolence. I trust that this is my own situation in the present case; and although the maxim may be a general one, yet that its application may be both correct and special. It was, therefore, with the utmost promptitude that I laid open to the special committee the public repositories committed to my care, and gave such an account of my own public conduct as the nature and scope of the investigation demanded. In doing so, I was totally unconscious of guilt, and equally regardless of accusation. But it is neither innocence nor an indifference to consequences that can yield security in times like the present. I have discovered, perhaps too late, that to be charged with a crime by a special committee of the House of Assembly, is tantamount to being judged and condemned by the body at large, and that the only proof of delinquency consists in the bare fact of being denounced. However, I readily complied with the orders of the special committee to their fullest extent, and the consequences soon became evident: indeed they might have been foreseen, and perhaps they were so; but, as already hinted, those who have nothing to conceal can have little to fear.

Referring then, with submission, your Lordship to the order of reference made to its special committee by the House of Assembly, and comparing its tenour and the original object of its inquiry with the ultra and irrelevant documents called for by the former, it will at once be perceived what the real object in view had been with respect to me, from the beginning to the end of the inquisition; it will be perceived that the object of the committee was not in reality to examine and report upon the nature and amount of my fees and emoluments, but insidiously and extrajudicially, if the term may be allowed, to investigate my conduct and bearing as a public functionary; a power which had never been delegated by the House of Assembly. In short, I had, somehow, become obnoxious to the committee, or to some one of its members, and it was evidently predetermined that, if possible, no matter for the means, I should be rendered equally obnoxious to public contempt, and persecuted to death as a delinquent in the eyes of the law, the constitution and the government whom I served. It was not sufficient thus to overleap the boundaries prescribed by the order of reference as to the facts and circumstances of a mere pecuniary income; but the committee must extend its jurisdiction over time as well as events. This will become manifest when it is observed, that while I am called upon to render an account of my fees and emoluments for the space of only five years, I am enjoined to furnish the committee with documents supposed to implicate my public integrity for the extended period of ten years! These are facts, my Lord, which require no comment from me, however much it may be my right and interest to demur to them. They betray at once the motives which gave origin to the present prosecution, and ought to convince your Lordship that, should you ever come to pronounce my doom, it will become necessary to take motives of action and principles of equity into consideration, as well as the empty pomp and circumstance of reports, resolutions and addresses, especially when character and fortune are at stake.

Nevertheless, the result of the whole matter is this, that upon the information orally furnished to the committee, without any information of its criminating tendency, or any notice of being upon trial for integrity and infamy, and the voluminous documents laid before it, I have been incidentally, and without any public accusation whatever, charged with high crimes and misdemeanours. The House of Assembly, as a matter of course, has sanctioned the decision of its committee, and it remains for your Lordship to approve or reject a proscription as unexampled as it is contrary to law.

Your Lordship is well aware, that "the first maxim of a free state is that the laws be made by one set of men and administered by another: in other words, that the legislative and judicial characters be kept separate."

The maxim is wise, and the reason obvious. If either of them required illustration, the case immediately before us is more than sufficient. Here we have a legislative body not only acting in its natural capacity, and exercising all the functions of lawmakers, for private ends and a specific purpose, but assuming to itself at the same time all the faculty and powers of a judicial tribunal, and administering a law made to suit its own inclinations. The House of Assembly has gone a step further: it has accused as well as legislated and judged. With such powers, who or what can withstand it! Nothing can be more adverse to both the spirit and letter of our constitution of government and laws; nothing more destructive of the end and happiness of the social union, than this indiscriminate assumption of the various and distinct attributes of a well-ordered and well-governed state. It would be bad enough, and equally unconstitutional and illegal, if your Lordship had united with the two other branches of the legislature, for the purpose of removing and confounding the landmarks of the legislative and judicial functions; but should we behold one branch of the same legislature thus conspiring against the rights and liberties of the people, nothing remained for us to do but to be mute, and tremble for our fate. Would your Lordship, as a branch of the legislature of this province, dare (I speak with respect and confidence) so far to compromise the prerogative of the Crown and the liberties of the people, as to call

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your council around you, and there, in the security of your retirement, and in the impunity of your high office, accuse, try and condemn any individual in or out of office, without as much as intimating to him that he was upon his trial, calling evidence for or against him, or permitting him to be heard in his own vindication? No! my Lord, you would not: you would scorn and abhor the very idea of such a piece of infamy; I entertain too high an opinion of your Lordship's sense of humanity and justice, as well as of your intimate knowledge of our laws, than for a moment to think it. But although your Lordship would not do so, yet you might thus destroy the character and fortune of an innocent individual, and entail ruin and disgrace upon his family, with the same impunity that others have attempted to have done the same thing. Your authority, my Lord, is equally potent with that of any of the other constituent branches of the legislature, your capacity is equally great, and your power equally irresistible: but I trust, indeed I am sure, that they never will be illegally or unconstitutionally exercised to the disadvantage of the meanest of His Majesty's subjects, and least of all in the mode and manner complained of on the present occasion. It is thus then, my Lord, that the danger and iniquity of that combination of power assumed by the House of Assembly are brought home to our reason and feeling; it is thus that we now so readily perceive the force and justice of the fundamental maxim alluded to, and it is thus that we ought to be constantly on our guard against inroads upon our liberties, from whatever source they may proceed.

But it has been said, and trumpeted in our ears, for I know not how long, that the House of Assembly of this province constitutes the grand inquest thereof, and may at all times present any individual or functionary for misconduct and malversation. Emanating as our constitution has done from that of the mother country, and circumscribed and limited as the powers conferred upon us necessarily are, and must be, I have no hesitation whatever to demur to the proposition: but should it be extended to the second branch of the legislature, I mean the Legislative Council, I would have no great objection to acquiesce in its truth and justice. However, I lay all cavil aside, and, for the sake of argument admit the truth of all that the advocates of the House of Assembly are pleased to urge in favour of its pretensions. But will such admission serve to facilitate our progress to the goal of our inquiries? Let us see, my Lord. We have come to the conclusion that the House of Assembly forms the grand jury of the province, as the representatives of the people, and in that capacity is empowered to accuse whom it will. We know that before a grand jury can charge any individual with an offence, some previous investigation becomes necessary by means of witnesses on oath before God and their country; and that when some conclusion is come to, a presentation is made to a tribunal established by law, for the purpose of trying any one who is so unfortunate as to be so presented. These all must allow to be the just rights and powers of grand jurors, both legally and constitutionally; but are these the principles which actuated, and the practice which guided the grand inquest of the province on the present occasion? Did they examine witnesses on oath, or otherwise; and did they impeach the supposed delinquent before any court or other tribunal established by law for putting him on his trial in the face of his accusers and their witnesses? by no manner of means: our grand national inquest, as they had another and a different object in view than affording an unfortunate individual the means of a fair, open and impartial trial, so they adopted a corresponding code of procedure: no witness was examined, except the accused himself, thus putting him to the torture as an evidence against himself. It is a poor cause that cannot afford at least one disinterested witness; but *ex post facto* laws provide for themselves both victims and witnesses at pleasure. No bill of impeachment was laid by this grand inquest before any other tribunal, and no trial was had that I know or have ever heard of; yet, strange to say, conviction ensued notwithstanding, and judgment has solemnly been pronounced. The whole duty and offices of accusers, jurors and judges have been most unconstitutionally united in one and the same body; and there is no alternative but to submit to its fiat, with all its overwhelming and ruinous consequences.

But, my Lord, is this the way in which a freeborn British subject is to be deprived of his rights, and a public servant degraded from his office? I trust not; I, for one, object to it; I, for one, protest against it; I, for one, will not submit to it. It is contrary to every principle of equity and justice, and at variance with the fundamental rights and liberties of Englishmen. "In the infliction of punishment," says Paley, "the power of the Crown and of the magistrate appointed by the Crown, is confined by the most precise limitations; the guilt of the offender must be pronounced by twelve men of his own order, indifferently chosen out of the county where the offence was committed; the punishment, or the limits to which the punishment must be extended, are ascertained, and affixed to the crime by laws which know not the person of the criminal." "No freeman," says the great charter of our liberties, "shall be seized and imprisoned, or disseised, or outlawed, or any way destroyed: nor will we try him or pass sentence on him, except by the legal judgment of his peers, or by the law of the land." If I am to be tried at all, these are the laws, the principles and the proceeding by which alone I claim to be either condemned or acquitted. They are my birthright, to them I appeal; and, my Lord, by none other shall I be judged.

However, to come to the point at once, I beg leave firmly but respectfully to maintain, that so far from being competent to exercise any judicial act whatever, the House of Assembly has no right or power even to impeach any one of His Majesty's subjects or officers without the concurrence of the Legislative Council. There is in this province no tribunal established by law for the purpose of trying public delinquents; and the only way in which, at present, they can be overtaken by justice, is by the union of the second and third branches of the legislature in an accusatory address, either to your Lordship as Governor-in-chief, or to the King himself. Even this power is admitted only in consequence of the analogy between it

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and that immediately possessed by the Imperial Parliament. Our constitutional Act is totally silent upon the subject; and it does not follow, as a matter of course, that when Parliament endowed the people of this province with specific rights of legislation, all the powers and privileges enjoyed by that supreme body became inherent in the dependent and subordinate legislature of Lower Canada. If this were the case, the authority and the dependency subsisting between the two bodies would soon cease; and in all matters of privilege as well as of legislation, their powers would become reciprocal and co-ordinate.

My Lord, I am a poor man, and my resources of literary information and legal and constitutional reference are consequently very limited; but limited though they be, I trust that by referring to one or two authorities at hand, I shall be able to convince your Lordship of the truth and correctness of my present position.

I find, then, from Hallam's Constitutional History of England, vol. 1, p. 486, that one Giles Mompesson, who had obtained a patent for licensing inns and ale-houses, had become obnoxious to the Commons in consequence of having used extreme violence and oppression. "The House of Commons proceeded to investigate Mompesson's delinquency; conscious that the Crown had withdrawn its protection, he fled beyond sea. One Michell, a justice of the peace, who had been the instrument of his tyranny, fell into the hands of the Commons, who voted him incapable of being in the commission of the peace, and sent him to the Tower. Entertaining, however, upon second thoughts, as we must presume, some doubts about their competence to inflict this punishment, especially the former part of it, they took the more prudent course with respect to Mompesson, of appointing Nay and Hakewell to search for precedents, in order to show how far and for what offences their power extended to punish delinquents against the State, as well as those who offended against that House. The result appears some days after in a vote, that they must join with the Lords for punishing Sir Giles Mompesson, it being no offence against our particular House, nor any member of it, but a general grievance." This is a strong case, my Lord, and ought to be maturely weighed and considered in deciding a question like the present, where not only the public character of an individual is in jeopardy, but where the whole universal rights and liberties of a free people are menaced. And accordingly, I presume, that it was in conformity to so good and constitutional a precedent the Legislative Council of the province, as far back as the 2d of March 1814, passed, among others, resolutions to the following effect. "That by the criminal laws of England, and of this province, no man can be charged with or impeached of any crime or criminal offence but by an inquest of the country, the cases excepted in which an information on the part of the Crown may be filed; that the lawful inquest of every county, district or government by whose ministry any subject of his Majesty is charged with or impeached of any crime or criminal offence, however chosen or appointed, represents, for the purpose of such charge or impeachment, the entire community of the people of the county, district or government in which such subject is so charged or impeached, and acts on their behalf, and in their right; that the right to charge or impeach any officer or officers of his Majesty's Government in this province, with or for any crime or criminal offence or misdemeanor in office (if any such right exists in this province) is by law vested in the entire community of the people of this province; that the right to charge or impeach any officer or officers of his Majesty's Government in this province with or for any crime, or criminal offence or misdemeanor in office, doth not vest, nor can be vested in any one part of the people of this province, more than in another; but is vested in the whole collectively, generally and equally: that the right to charge any officer or officers with or for any crime, criminal offence or misdemeanor in office, doth not, nor can, exclusively exist in the representatives of any one part of the people of this province, nor can by them be exercised without the participation of the remainder: that the members of this House are a component part of the people of this province: that the members of this House being appointed by the Crown for life, do sit and vote in the Provincial Parliament in their own right, and are not represented in the Assembly: that the Assembly of this province, inasmuch as the members of this House are a component part of the people of this province, are not therein represented, are the representative of a part only of the people of this province: that every charge or impeachment of the Assembly alone is a charge or impeachment of a part only of the people of this province: that no charge or impeachment of any officer or officers of his Majesty's Government in this province, with or for any crime or criminal offence or misdemeanor in office, can by the laws and constitution of this province be exhibited by the Assembly alone, nor without the participation of this House; that the Imperial Parliament of the United Kingdom of Great Britain and Ireland is the true and perfect representative of the entire community of the people of the said United Kingdom: that the right to charge or impeach any officer of his Majesty's Government with or for any crime, criminal offence or misdemeanor in office is by the law and constitution of the United Kingdom of Great Britain and Ireland vested in the entire community of the people of the said United Kingdom, but is exercised on their behalf and in their right by the House of Commons alone, to the exclusion of the House of Lords: that the right of hearing and determining all impeachments exhibited in the United Kingdom of Great Britain and Ireland by the people of the said United Kingdom, by the ministry of the House of Commons, is by the law and constitution of the said United Kingdom vested in the House of Lords, to the exclusion of the House of Commons and of every other tribunal: that the House of Lords is thereby, and thereby only, excluded from all participation in voting or exhibiting any such impeachment. The offices of accuser and judge being totally incompatible, that the right of hearing and determining impeachments exhibited in this province, is not vested in the Legislative Council of this province, and that the Legislative Council is not therefore excluded from a participation in voting or exhibiting any such impeachments."

I shall

I shall not proceed further in support of this point, and I hope your Lordship will be of opinion that it is altogether unnecessary. I think I have said enough to convince your Lordship that I have not only been illegally tried and convicted by the House of Assembly, but that in doing so, that body has usurped powers which do not legitimately belong to it; and has thus endeavoured to assail with an iron arm of oppression the dearest and most valuable rights of a British subject, in order to gratify some malevolent passion which I am not conscious, for my own part, of having ever deserved or inspired. My Lord, too much care cannot be taken to guard against encroachments and innovations of this kind. They will, otherwise, overturn the firmest foundations of law and of good government, and bring down ruin and desolation on the fair fabric of our inestimable institutions. "The case of Floyd," says Hallam, the respectable authority whom I have already quoted, "is an unhappy proof of the disregard that popular assemblies, when inflamed by passion, are ever apt to show for those principles of equity and moderation, by which, however the sophistry of contemporary factions may set them aside, a calm and judging posterity will never fail to measure their proceedings. It has contributed at least, along with several others of the same kind, to inspire me with a jealous distrust of that indefinable, uncontrollable privilege of Parliament which has sometimes been asserted, and perhaps with rather too much encouragement from those whose functions it is to restrain all exorbitant power."

Your Lordship will, I hope, excuse the nature and extent of these preliminary observations; they seemed, to my humble capacity, to have been unavoidable on an occasion like the present. My fame and fortune are at stake; my rights and liberty, as a British subject are involved; my cause is the common cause of every individual who boasts in the name of Briton. To what sanctuary therefore could I so naturally and justifiably have resorted, as to the common patrimony of us all; to those laws and principles of government which have been won by the swords and consecrated with the blood of our forefathers? I will therefore conclude them in the words of Lord Bacon, the greatest of our countrymen. "As far as it may lie in you, let no arbitrary power be intruded; the people of this kingdom love the laws thereof, and nothing will oblige them more than a confidence of the free enjoying of them. What the nobles upon an occasion once said in Parliament, '*Nolumus leges Angliæ mutare,*' is imprinted in the hearts of all the people."

I come now to the consideration of what more immediately concerns the present discussion.

1. The first and principal charge brought against me by the House of Assembly, is, that since my appointment to the office, about one-fifth, at least, of the indictments laid before the grand jury of the court of quarter sessions for the district, have been framed by me on information, not under oath, and verbally given by my clerk, the high constable and petty constables. The list of informers ought to have been extended in the report of the special committee to "some other persons of credit, as stated by me in my answer to the 53d question of the committee." My Lord, it may be so, as to the fact itself, though quite the contrary as to the undeviating rule of practice, and the number of indictments said to have been preferred. To the question No. 100, put to me by the special committee, I answered that I conceived "that as public prosecutor, I have not only a right, but it is my duty to lay bills before the grand jury for any offence cognizable in the court of quarter sessions whenever information is given me either verbally or written." With great submission to your Lordship, I still continue to be of the same opinion. I have never learned that there existed any law to the contrary. Surely a right inherent in every one of His Majesty's subjects might, without any inordinate stretch of power, be assumed and exercised by an officer appointed for the express purpose of prosecuting all criminal offences coming to his knowledge. I know your Lordship is well aware that the criminal law of England happily and providentially constitutes the criminal law of this province. Your Lordship also knows, that by virtue of this law any man may prefer and prosecute an indictment in His Majesty's name; and in so doing necessarily assume the consequences that may accrue from an undue exercise of his right. In confirmation of this fundamental privilege, Blackstone observes that "the grand jury are previously instructed in the articles of their inquiry, by a charge from the judge who presides upon the bench. They then withdraw to sit, and receive indictments, which are preferred to them in the name of the King, but at the suit of any private prosecutor; and they are only to hear evidence in behalf of the prosecution; for the finding of an indictment is only in the nature of an inquiry on accusation, which is afterwards to be tried and determined." Dickenson, in his "Guide to the Quarter Sessions," is still more clear and explicit on the same subject. He says, "as all prosecutions are conducted in the name of the Crown, and for the public security, any person may lawfully prefer an indictment for misdemeanor or felony, but it is not usual for parties thus to interfere, unless they are individually aggrieved by the offence, or sustain some offence which renders it peculiarly incumbent on them to bring the offender to justice." The same respectable authority, in treating of the office of clerk of the peace, observes, "that it is his duty when prosecutors do not choose to seek professional assistance elsewhere, to draw bills of indictment." This is evidently the imposition of an imperative duty. Neither option nor discretion is left at his disposal. He must be aiding and assisting any private prosecutor that may call himself such, whether it be true cause or not, and whether there be written information on oath or otherwise. Thus it would evidently appear that any private prosecutor may resort to the clerk of the peace, and insist upon his preparing a bill of indictment according to the nature of the offence complained of, and that, unless he comply with the requisition, however well or ill-founded, he is subject by law to very high pains and penalties.

Being thus fettered to the execution of his functions, it is clear and palpable that the mere act of preparing a bill of indictment for the purpose of being laid before the grand jury,

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which we have seen any professional man may do, can neither be construed to have originated in a perverse ministration of his duties, nor to implicate him directly or indirectly in any evil consequences that may ensue, for it cannot be that a compulsory act is also a punishable one. The whole matter is therefore in law the business of the private suitor, who alone is liable, and ought alone to be liable, to an action for a malicious prosecution, should that prove to be necessary, just as much as if 10,000 written informations upon oath had been previously filed of record in the office of the peace. It was in accordance with these opinions, I presume, that in August 1830 I received a circular letter from the Executive Government, directing me, among other matters, to observe "that as it was the duty of the clerk of the peace to prosecute offences in the quarter sessions, the object in view cannot be obtained without an assiduous discharge of this duty on the part of this officer, and his Excellency feels it therefore necessary to convey to you his expectation that you will bring forward and prosecute all cases cognizable by that court, wherever practicable, at the next ensuing quarter sessions after the committal of the offender."

But it would appear from the report of the special committee, that the practice of other clerks of the peace is different from mine; and that they would revolt at the bare surmise of drawing a bill of indictment without written information upon oath. His Majesty's Attorney-general, the first law officer of the Crown in the province, it would appear is not quite so strait-laced, for he honestly and distinctly states to the committee, "My own practice has been to proceed on depositions in writing only; nevertheless cases might occur in which it might be otherwise." And so cases of this kind do frequently occur; and if the Crown officers are not to be permitted to exercise some discretionary powers, and some latitude of conduct in the discharge of the functions of their office, many criminals will escape unpunished, and the safety and security of the subject will be constantly exposed to insult and injury. Without such powers the criminal law of the country can never be vigorously or efficiently enforced, and criminals would stalk forth amongst us with a boldness and impunity altogether unworthy of civilized society.

I entertain a very high respect for both of my brother officers to whom I have just alluded, and whose opinions I have respectfully ventured to question. One of them at least is my particular friend, and I hope he may long continue to be so. They are, however, better lawyers than perhaps I can pretend to be, for I am not of the profession; but I will yield to neither of them in honesty of intention. They may be right in their opinions, and their practice may be far more correct and salutary than mine. I may be entirely in the wrong, while they are altogether in the right.

Yet still I must persist in maintaining that I have never been able to discover any rule of law which provides for the one practice more than for the other. Nevertheless, I freely and candidly admit, that I may have misconceived my duty on this particular point. I may have been very zealous without much judgment. I may all along have been labouring under very erroneous impressions as to the line of my duty; and have been afflicted with some official hallucination. But will your Lordship suffer me to be utterly destroyed by venial causes like these, neither meriting or justifying any retributive acts of justice? Am I to be degraded from office, and my name branded throughout the empire, because, in the discharge of what I conceived to have been my bounden duty to my King and country, I had the misfortune to put a different interpretation on the laws from others, and pursued a practice, not against which any positive law had existed, but in the establishment and maintenance of which both law and immemorial right have long been united? Are the very objects to be permitted to point at me in derision, because, in the discharge of an irksome, invidious and ill-requited office, I have sacrificed my private feelings as a man to what I conceived to have been my duty as a public officer? Surely, surely, no! There are errors that may be corrected, and wrongs that may be amended and compensated, without the utter and irremediable sacrifice of their author to either party or passion. The first principle of civil government is, to correct impropriety of conduct, without extinguishing all hopes of reformation, and undoubtedly the present is a case that comes within the scope of so humane and useful a maxim. But this, it will readily be perceived, is arguing the question at issue on the supposition, and even admission, not only of the correctness, but the extreme delinquency of the charges brought against me. To be sure it is. I had a clear and legitimate design in doing so; I have done it on purpose to be better able to convince your Lordship, as I presently hope to do, that these charges are far from being of so deep and an enormous a die as at first sight one might otherwise be induced to believe.

2. I have the honour of transmitting herewith, for the perusal and satisfaction of your Lordship, a list (marked A.), certified on oath by the compiler of all indictments laid before the grand jury of the court of quarter sessions of the peace for the district of Three Rivers, since my appointment to office in November 1826; showing and exhibiting the dates, the names of the offenders, the nature of offences, the findings of the grand jury, and in what cases there have or have not been depositions, or informations in writing under oath. It will be found from this list, that during the period of nine years only 538 indictments, of whatever descriptions, have been preferred to the grand jury in quarter sessions. If compared with the number of indictable offences presented in the other districts of the province, and the sum of the population of each district, it will be easily discovered that in none of those districts have so few criminal offenders been brought to justice as in this one. Instead, therefore, of making the number of indictments preferred, either with or without information in writing upon oath, a charge of malversation against me, the House of Assembly ought rather to have complimented the district at large on its orderly and moral good conduct, and to have congratulated itself upon the fact, that at least among one portion of the province, public crimes have by no means advanced in a greater ratio than might naturally have

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have been expected from the progressive increase of the population. I will say it for them, my Lord, because I have better means of speaking to the fact than the special committee, that there is not a more peaceable, industrious and moral people in any part of the province than the inhabitants of this district; and that although it be impossible at all times to restrain the passions and propensities of the foolish and the dissolute, yet they are as little stained by guilt and contaminated with vice as any of their fellow subjects. But be this as it may, it will still be found from the statement before us, that out of the 538 indictments preferred as above, only 83 can be discovered to have been drawn without previous information in writing on oath. What, however, will be said or thought by any reasonable and unprejudiced individual, when he learns from the same authority, that of these 83 indictments, 70 were found "true bills" by the grand jury, thus leaving but 13 to be accounted for, if account be necessary, during the long period of nine years; but, moreover, it will also be found that out of these 13 indictments, 13 were preferred at the suit of constables and other public officers, who must always be allowed to be entitled to at least such a degree of credit as will justify the preferring a bill of indictment, without the previous ceremony of taking down their information in writing and upon oath. If it be so, this at once reduces the number for which I may be supposed to be accountable—to what, my Lord? to just, nothing! And this is the head and front of my offending!!!

It will be for your Lordship seriously to reflect upon this short and simple statement. It will be for your Lordship to decide, after having had the trouble of perusing it, whether I am really deserving of being publicly pointed out as an object worthy of your Lordship's contempt, and of being forthwith driven from His Majesty's grace and service. Is there anything here to justify such a demand, or such a result? Is there anything here to justify the extraordinary and groundless assertion that a systematic plan had been laid by me for enriching myself by the ignoble means of annoying and oppressing my fellow subjects, the honest inhabitants of this district, and that, without the least vestige of a complaint having been made against me by any of them? Quite the contrary, my Lord. As already stated, I conceived it to have been my duty, in a variety of cases, to lay indictments before the grand jury without information in writing. With the exception of the paltry number of 13, it appears that the grand jury found all these indictments true, and consequently well founded; what then, my Lord? Why, with great deference, neither more nor less than this, that the findings of the grand jury, having entirely and completely exonerated me from any criminal offence or misdemeanor in office, even in the event of its having been proven, which it is not, that I had acted contrary to law in preferring indictments in the mode asserted to have been done; that those findings stand between me and blame as a legal and moral shield that cannot be penetrated; that nothing can be more oppressive and tyrannical than this attempt to render me accountable for any official act of duty, after it had been approved of and sanctioned upon oath by the grand jury, the whole body of the district; that this body being the only competent judges of the necessity of calling on an offender to answer to his country, and having done so, neither I, nor any other officer who may have been the immediate instrument of presenting the offence to the grand jury, can, or ought, either in law, justice or equity, to be made responsible to any tribunal whatsoever, legislative or judicial, for the exercise of an act of ministerial duty; that these findings of the grand jury sanction and confirm all that may previously have been done in bringing the subject matter of complaint before them; that as the findings and presentments of the grand jury cannot be set aside, so none of the proceedings of those who may have initiated them ought to be subject to any scrutiny or investigation out of the due course of law; that the finding of a true bill by the grand jury is all that the law contemplates or requires for the purpose of putting the offender upon his country; that for this end some public or private prosecutor must furnish the grand jury with the necessary documents, and, in fine, that no public or private prosecutor ought to be amenable for the exercise of any right or duty after his conduct has been confirmed by the verdict of the grand inquest of the district wherein he resides. It is impossible, my Lord, to come to any other conclusion.

Having thus disposed of the grand fundamental charges preferred against me, I am not sure that it becomes necessary for me to proceed further in the line of my defence. But to show and satisfy your Lordship that I am neither afraid nor reluctant to encounter my prosecutors upon their own ground, I shall take up the report of the special committee with which your Lordship has been pleased to favour me; and to the best of my ability, endeavour to answer it, article by article, and point by point. The report is so wretchedly drawn up, so exceedingly ill arranged, so monstrously huddled together, and so illogically composed, that I regret to say the process must be a very tedious and irksome one to your Lordship. But the occasion warrants it; and I shall be as brief in my observations as the nature and circumstances of the case can possibly admit of.

3. It is stated that "Mr. Chisholme was appointed in November 1826. It appears, that since that time, about one-fifth at least of the indictments laid before the grand jury of the court of quarter sessions for the district have been framed by him, on information not under oath, and verbally given to him, principally by his clerk, the high constable, and the petty constables. His clerk, whose name is John Campbell Fearon, is also interpreter of the courts at Three Rivers, and as such has, by order of the magistrates, assisted the grand jury of the quarter sessions at their private sittings. The name of the high constable is Philip Burns."

It is very true, my Lord, that my appointment as clerk of the peace of this district took place in November 1826, but that there may be no mistake about dates, with respect to which the committee seems to have been particular, I may as well observe that my commission is dated the 11th of that month. It was signed on that day, and was the spontaneous

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gift, I am proud to say, of the King's representative in this province; a nobleman, who, without the least disparagement to his high and respected order, for private worth, public integrity, manliness of heart, and firmness of purpose in the discharge of every civil and military duty, is not surpassed by any peer that wears a star or a coronet. It is true that my deserts and services had been small, but his Lordship was pleased to be of a different opinion; and no doubt thought as well as said, that, by good conduct and industry, the first step in the public service might lead, in due time, to higher and more important appointments. I trust that it is neither the fate of his Lordship to be disappointed, nor mine to be prematurely blasted in my just expectations.

As to the number of indictments which have been laid before the grand jury since that time, without written information on oath, it is totally unnecessary to speak in this place, as that head of accusation has already been sufficiently discussed; and the list marked (A.), herewith transmitted and referred to, will at once enable your Lordship to decide upon the justice and correctness of the statement of the special committee on this subject. And as to the persons stated to have conveyed to me the verbal information upon which the indictments were founded, it ought to be explained, that, when they were not themselves the party aggrieved, they were merely the medium by which the complaints of the private prosecutors had been brought under my notice; they could not themselves, being public officers, have been the true informants and private prosecutors in every case. The petty constables, indeed, have, in very many instances, been the parties immediately injured, in consequence of having been frequently called upon to abate nuisances of different kinds, to stay sudden affrays and riots, and of being often assaulted in the execution of their office. Generally speaking, it is only during the sittings of the quarter sessions that any of the petty constables are in attendance; and as it is in consequence of this attendance, and the duties attached to it, that their complaints generally accrue, so it was always during the hurry and confusion of the sessions that I was in the practice of receiving their verbal informations; and, instead of committing them to writing in the form of an affidavit, issuing a warrant against the offenders, and employing a constable to apprehend them, I directly laid the case before the grand jury in the form of an indictment. I shall have another opportunity of discussing the motives by which, it is said, I have been actuated in adopting this mode of procedure; but it is right to state in this place, that, by so laying the case before the grand jury, a sum of at least 20*s.* was saved to the province in every case.

Thus, for the deposition, warrant and examination, being the fees paid to	£.	s.	d.
the clerk of the peace, in one case with another	-	-	-
To the constable for the apprehension of the offender, at least	-	-	-
	-	12	6
	-	7	6
Making, in all	£.	1	-

So that, according to the mode of procedure in question, whether right or wrong, it will appear, from the list already alluded to, that the province has been saved upwards of 83*l.*; and that I have suffered loss of upwards of 50*l.*

It has been discovered, I know not upon what evidence, that I have a clerk, that his name is John Campbell Fearon, and that he is interpreter to the courts at Three Rivers. Would there be any great sin in this, my Lord, if it were true? But it is not true. I have no clerk, and have had none since 1830, which will be seen from Mr. Fearon's affidavit marked (B.), herewith enclosed. The emoluments of my office are but ill adapted to bear the expense; and the mode and terms of payment are still less calculated to justify any unnecessary expenditure. That, up to the period in question, Mr. Fearon acted as my clerk in the peace-office is most true; but he has not since done so, although I have occasionally found it necessary to employ him, as well as others, in writing for me. As interpreter to the courts, he is an independent officer, in the performance of the duties of which I neither exercise, nor can exercise, any influence or control whatever over him; he is, in that capacity, his own master. To combine, therefore, his name with mine, as has been done on the present occasion, with the view, no doubt, of implicating my conduct still deeper in the estimation of your Lordship and the public, is so unwarrantable an instance of the perversion of truth to obtain an end, by no means humane or patriotic, as to merit your Lordship's particular attention and investigation.

4. "Mr. Chisholme has declared to your committee, that he has no means of ascertaining in what cases, and by whom, such information was given to him; and that the indictments framed thereon have been followed but by few convictions."

I have already fully and sufficiently explained by whom, and in what manner, the information here alluded to came into my possession. If, therefore, any difficulty may have arisen with respect to the source whence the information in question was derived, it can only apply to the difficulty to ascertain the names of the private prosecutors. This could not be done without having recourse to the indictments themselves; and that was impossible while under examination at Quebec. The committee imposed no injunction upon me to this effect at any period. It, therefore, appears to me a very hard thing to be now obliged to answer a charge that could so easily have been obviated by the least forethought on the part of the committee. It is tantamount to being compelled to make bricks without straw; indeed, it is much worse, for it obliges me to defend myself against an accusation urged without either foundation or inquiry. As to the convictions being few in number, if it really be so, it is impossible to ascribe it to me as any fault or blame whatever. It was surely not necessary for me to have been endowed with a prescience that would enable me to discern, at one glance, the ulterior result of every indictment laid before the grand jury. But, in sober seriousness,

seriousness, can the committee, for a moment, imagine that the fact of the fewness of convictions can, by any possibility, amount to a crime or misdemeanor on the part of any one? I cannot think, or believe it. If blame rest anywhere, it is entirely with the grand and petty juries, and not on my already over-burdened shoulders. I was only the humble instrument of calling the attention of those respectable bodies to the nature of the offence and the offender; and for the result, be it conviction or acquittal, I shall never condescend to consider myself accountable. By referring to the 75th question put to me by the committee, it will be found that my answer could only relate to the paucity of convictions, in cases of assault and battery with intent to murder, and not to a general catalogue of offences tried at sessions. I may here, however, be permitted to state, with respect to those cases in particular, that, by referring to Appendix (C.) of the Report of the Committee, it will be seen that convictions almost invariably followed, in as far as the minor offences contained in the same indictments was concerned. This will show the necessity of two counts, and be a convincing proof to your Lordship that, had I not adopted so legal and necessary a precaution, many atrocious offenders would have escaped altogether unpunished.

5. "Your committee refer your Honourable House to the evidence of one of the clerks of the peace for the district of Quebec, establishing that the practice to frame indictments on verbal information does not exist in that district, nor does it, in the opinion of your committee, exist in any other part of the province. Your committee have, moreover, to express their opinion, that, even on the supposition that a Crown officer acts justifiably in framing, sometimes and under peculiar circumstances; indictments on verbal information, the doing so systematically is illegal and vexatious, and that it has been rendered peculiarly so in the present instance, independently of the facts already stated, that convictions have seldom ensued on indictments framed on such verbal information."

I am not disposed, on the present occasion, to be either critical or hypercritical; but, if I were, I could easily gather from this ill-conceived, ill-expressed, ill-arranged, and altogether extraordinary passage, ample materials for the exercise of a faculty by no means congenial to my disposition. It is asserted, upon the evidence of one of the clerks of the peace for Quebec, that neither there nor in any other part of the province does the practice exist of framing indictments upon verbal information. If it be so, I might surely claim exemption from blame as well as the gentleman who furnished evidence at once so comprehensive and satisfactory to the committee. But I have already sufficiently discussed the principle evoked by this part of the Report, and clearly shown to your Lordship that, whatever may have been the practice elsewhere, there can be neither rule nor practice without exception; and that neither the committee nor its witness did, nor could, nor can produce even the least authority for forbidding to me, or to any other public or private prosecutor, a right that is as universal and prevalent as the criminal code of England; a right which, at the very least, is as justifiable as the daring assumption, on the part of the committee, of constituting itself a judicial tribunal, with the plenary and anomalous powers of at once accusing, trying and condemning. These are, indeed, proceedings which may well be denominated "illegal and vexatious." In Scotland, than whose criminal laws none in the world can be more equitable and humane, no information, on oath, is either taken, or required to be taken, previous to indictment; and in many respects the practice is thought to be attended with many beneficial results. In particular, it prevents rash and heedless swearing, on the part of private prosecutors, in a moment of great heat and excitement, occasioned by personal injury or the loss of property. In truth, the committee is tacitly compelled to admit the general correctness and utility of the principle, and allows that, under peculiar circumstances, a Crown officer may be justifiable in framing indictments on verbal information; but, then, the committee disapproves of the systematic plan in which, it is said, my operations have been conducted, and declares it to be illegal and vexatious. Where is the law which renders it illegal, and proof of the fact, in as far as I am concerned? Has the committee, by any means or evidence whatsoever, proved that the system was either an organized one, and had been resorted to for the purpose of aggrandizing any improper feeling or passion, or for oppressing any the most humble of the King's subjects? Far, far from it. There is no such proof; there is no such evidence before the committee; and nothing, therefore, could have been so insidiously premature as to deduce conclusions from premises that never existed, except in some sanguine and over-heated imagination, bent upon some ultimate object, at once cheering in prospect and delightful even in anticipated enjoyment. Of all the individuals whom I have ever indicted, which of them has complained of being either oppressed or vexed by the mode of procedure adopted against them? Has any one of the special committee been ever indicted in the way objected to? If not, and I hope not, I am humbly of opinion that it was travelling somewhat out of the record of the case, thus to have attempted the erection of so huge and novel a superstructure, without either foundation or prop.

It is in this place, in consequence of the charge having been repeated, that it becomes necessary to refute the objection taken to the smallness of the number of convictions which "ensued on indictments framed on such verbal information." Whatever the number may have been, I do not think the committee had any evidence before it in support of the assertion. But, be that as it may, if your Lordship will be pleased once more to refer to the enclosure marked (A.), it will be seen, from the column of remarks, that at least 30 convictions ensued on indictments framed on verbal information, being nearly half of the true bills found by the grand jury. I have no time to compare this statement with the number of convictions that has followed indictments framed on written information; but I shall venture to assure your Lordship, that the former is in the proportion of at least five to one of the latter. It is thus that we arrive at the real state of matters; and it is thus that your Lordship will be

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warned against the danger of placing confidence in assertions, not only unsupported by evidence, but which tend to inwrap the best and highest interests of individuals.

I will, in this place, beg permission to call your Lordship's attention to my answer to question No. 65, put to me by the special committee. It is there stated, in consequence, I presume of some clerical or typographical error, that I said, "I do not think it is consonant to law to prefer indictments on verbal information;" whereas in truth and in fact my answer was, "I do not know that it is;" which makes the greatest difference in the world in the meaning intended to be conveyed; and I am not so good a lawyer as to be able to decide the question off-hand, without any consideration. I merely expressed my total ignorance upon the subject, and surely no unfavourable conclusions ought to be drawn from my having done so.

6. "Your committee cannot do otherwise than express their surprise that a practice contrary to law, and attended with consequences manifestly injurious to the whole community, should have been followed for a number of years by a public officer, who has thus exposed the subjects of His Majesty to the dangers, the expense and shame of a prosecution for crimes of which, in most cases, they have been declared innocent by a jury of their country, without having the means of punishing their accusers."

It is quite unnecessary to enter into any formal refutation of this charge, for it has been frequently urged, and as frequently defeated. It is an old proposition in somewhat of a new dress, clothed in habiliments a good deal the worse for wear; it seems to form the *lo pœan* of the Report, and very much resembles the chorus of some ancient ditty, sung in better and in happier times. The tenacious spirit in which it is followed up reminds me of the redoubted warrior in Chevy Chase, who fought upon his stumps; and of the equally redoubted champion of letters, who

"Ev'n though vanquished, he could argue still."

I shall, therefore, only trouble your Lordship with a very brief and slight review of it. The committee is pleased to express its surprise at a practice asserted to be contrary to law. But, as already observed, where is that law? when was it passed? where was it written? in what volume, ancient or modern, is it to be found? I have searched far and near for it, east and west, south and north, and at every point of our legal and constitutional charts and compasses; but in vain. I believe that the committee was wholly composed of lawyers. One would therefore reasonably suppose, that amidst the learning and research that must necessarily be possessed by one and all of them, they could easily exhibit to our benighted intellects either the *lex scripta*, or the *lex non scripta*, which constitutes the very foundation and corner stone of their whole procedure against me. Yet no such thing. Presuming rather too much on their own impeccable powers, they imagine that your Lordship is bound to listen to all their statements as facts, and all their *dicta* as law; but your Lordship is not to be thus summarily driven away from the posts and landmarks of right, justice and equity; and the members of the committee, instead of yielding implicit obedience to the demon of passion and prejudice, ought to have known that it was totally unworthy of themselves, and the high station which they affect to maintain as representatives of the people, to have advanced as law that which is neither law, nor attempted to be proven to be such. There is as little of logic as of law in the reasoning of the committee on this point. Conclusions are not only deduced from false and groundless premises; but it is presumed that, to suit certain views, the committee can create premises at pleasure, that these premises ought to be intuitively received as truth, and that, therefore, it is quite unnecessary to support them by any secondary proof whatever. It is fortunate, my Lord, that a government of checks and balances is founded on reason, and that the principles of reason and judgment are those alone by which right is to be vindicated, and innocence protected.

It is stated in the next place, that the practice in question has been attended with consequences manifestly injurious to the whole community. Is there any proof of this manifest injury before the committee? Is there any evidence before your Lordship in support of this assertion? What witness, what document has the committee adduced in support of this charge? Who are the individuals, more or less, who have endured such manifest injury, and have complained of it either to the committee, or to any other corrective or retributive tribunal? No, not one. Strange, after such a heavy charge, and so impetuous! Truly, my Lord, this is a new and unheard-of mode of trial and procedure for the purpose of establishing either the guilt or innocence of an individual. Truly this is a tribunal endowed with extraordinary powers; it accuses without inquiry, tries without evidence, and condemns without guilt. From such may me and mine for ever be delivered!

It is then said that His Majesty's subjects have been exposed to the danger, expense and shame of prosecution for crimes, of which, in most cases, they have been declared innocent. The calendar of the district for the last nine years is before your Lordship; and by referring to it once more, it will be discovered that it contains nothing to corroborate this statement; nor more does anything to be found in the Report of the committee. It is no matter whether the persons accused were declared to be innocent or not; the only question at issue is, whether there had been cause for accusation? It is better that 99 guilty persons should escape than that one innocent individual should perish; but if it were otherwise, who is to blame? Me? Yes, most undoubtedly, in the opinion of the committee; but, I trust, not in the more candid and impartial estimation of your Lordship. It ought to be remembered that if danger, expense and shame were endured; of which, however, there is no proof before the committee, it was the grand jury, and the grand jury alone, who was the cause of exposing their fellow subjects to such severe afflictions. However, the committee neither called for nor received any evidence

evidence whatever to justify such conclusions, except as to cases of assault and battery with intent to murder; for though it obtained a list of indictments for the last 10 years, with a description of the offences, it appears to have had some private reasons of its own for not calling upon me for returns of the findings of the grand, and the verdicts of the petty juries. As to the means of punishing their accusers, that can never be wanting to an aggrieved British subject, while justice continues to be administered in the land; and in a good cause the generosity of lawyers is proverbial.

7. "Your committee have moreover to express their surprise that the inferior officers of the court of quarter sessions at Three Rivers, since the accession of Mr. Chisholme to office, have acted the part of spies and informers; and that they have thus secretly, and without any responsibility on their part, caused many persons to be wrongfully accused."

Should your Lordship be pleased to consider this paragraph in its native literal acceptation, I am afraid you will be inclined to imagine that since my appointment to office, I have been in the habit of dedicating more of my time to the exhibition of public shows and spectacles, mimes and pantomimes, than to the more necessary performance of my official duties, and that I have maintained a sort of amateur theatre, wherein have been "acted" the various "parts" of spies and informers. Now, I do most candidly and honestly avow my great admiration and respect for the drama, both tragic and comic. I have often been delighted in childhood with the celebrated performance of the "Forty Thieves," as well as with the perusal of John Paul Marana's Turkish Spy. I must, however, be permitted to declare to your Lordship that my enthusiasm for such pastimes has long ceased to adhere to me; and that since my appointment to office I have never witnessed "the part of spies and informers" acted upon any stage whatever, or under the licence of my authority. It is, indeed, very probable that real spies and informers may occasionally be lurking in this neighbourhood, and that numbers of idle and giddy persons may be somewhat addicted to the imitation of their actions; but I can assure your Lordship that neither of the parties has ever happened to be under my control or management, and that from the bottom of my soul I hate and scorn the real conduct of the one as much as I spurn and despise the loathsome mimicry of the other. But seriously, my Lord, what meaneth this ignominious charge? who has made it? who has proved it? what base "spies and informers have thus secretly, and without responsibility on their part, caused me to be wrongfully accused?" I much fear that the members of the committee were far off their guard when they made the accusation. I much fear that they had recourse to their own feelings and imaginations for evidence of what was wanting in fact. I much fear that by adding this extraordinary charge to their already overcrowded scroll of malversation, they have been as little studious of what was due to their own high and important functions as to my rights and privileges as a party accused before them. I greatly fear that they mistook what ought to constitute the real object in view for a phantom of their own creation, and clutched the shadow for the substance. I greatly fear that instead of pursuing the track of truth in a straightforward line, they unwarily plunged and deviated into the more intricate and thorny one, that leads to guilt without proof, and to condemnation without trial. If any testimony have been laid before them in justification of a charge of so infamous a nature, why has it not seen the light? why has it not been filed of record in the Report of the committee, and published to the world, and hawked from door to door, and from shop to shop, and from tavern to tavern, and from bar-room to bar-room, throughout this town and district, along with the other evidence appended to the Report? But what if such testimony has never been adduced before the committee, and no inquiry whatever made to substantiate so foul and grave a charge? What, my Lord, but that we have fallen on evil times and evil ways; and that I have had the misfortune to be arraigned and tried by a tribunal, having for its object condemnation and destruction of character rather than an inquiry into truth and the vindication of innocence. In fact, my Lord, the committee has had no evidence before it in support of the accusation in question, either against me or the inferior officers alluded to. Why then is it made? why is it suffered to tingle in our ears from morning till night, to the great prejudice and injury of humble but respectable individuals, who, in as far as the constables are concerned, are compelled by law to execute gratuitously the duties of an office that is in every respect as necessary towards the peace and good order of society as any that may contribute to the ends of sound principles of government, however high in rank or productive of emolument. Let the committee produce a single witness to whom I have ever offered or promised, or given, either directly or indirectly, any fee, reward or compensation, for information, verbal or written, of a civil or criminal nature; and I shall willingly submit to be branded with all the odium, obloquy and disgrace, that the Report of the committee endeavours to heap upon me. But, my Lord, I defy the committee to do so. I defy it to hurt a hair of my head with respect to a charge in support of which no evidence has been offered, which I know to be groundless, and feel to be totally unmerited. It therefore only remains for your Lordship to efface every impression of it from your mind and memory for ever, as totally incapable of constituting any criminal offence or misdemeanor whatever.

8. "It also appears that for some years past, and particularly for the last five years, indictments for assault and battery have, in almost all instances, contained a count for an assault and battery with an intent to murder, and that previously indictments containing such a count were of very rare occurrence."

"This circumstance, giving necessarily reason to suppose that the brawls and disputes which have occurred of latter years in the district of Three Rivers, have been nearly all marked with a degree of ferocity which the intent to commit the atrocious crime of murder must suppose, could not but particularly arrest the attention of your committee. Unless

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otherwise explained, such a circumstance would induce your honourable House and the province in general to come to the conclusion that the mild and peaceable habits which happily form the character of the inhabitants of Lower Canada, and of the district of Three Rivers in particular, have in that district almost instantaneously been changed for the worse, to the alarming degree that, with few exceptions, every quarrel, generally of such petty consequences in the other sections of the province, has been there, for several years past, attended with violence and thirst of blood.

"Your committee, however, after examining the depositions upon which the indictments which have been laid before the grand jury have been framed, see nothing to authorize the supposition that the broils which have arisen in the district of Three Rivers are at all different from those which occur elsewhere in the province.

"Your committee beg to refer in this respect to that part of the testimony of Mr. Chisholme, in which he owns that many depositions which he has produced contain nothing to render him justifiable in having framed thereon indictments for assault and battery with an intent to murder. It is proper to remark to your honourable House that Mr. Chisholme has given as his justification for having done so, that, independent of the facts, as stated in these depositions, he probably received verbal information, upon which he framed such indictments.

"Your committee refer also your honourable House to the evidence of the Attorney-general of the province, and such of the clerks of the peace who were examined on the subject. They declare that they would not consider themselves justifiable in framing indictments for assault and battery with an intent to murder, on depositions complaining of a simple assault and battery, or on verbal information of facts not stated in depositions submitted to them."

These five different heads of charge I have been induced, after mature reflection, to set down consecutively, because it will at once be perceived by your Lordship that they contain no accusation which has not been over and over again rebutted, both as to the facts which are assumed to be true, and the principles which they affect to involve. I might, indeed, be here tempted to enter more at large into the field of discussion which they present; but I trust that I have already done ample justice to my honour and character as a public officer, in as far at least as they are at present impeached. However much disposed I may be to extricate myself from the toils and meshes of my accusers, I feel that I owe no slight mark of consideration to the task imposed upon your Lordship, of perusing an overgrown mass of unnecessary argumentation. I therefore pass by these several charges, which, indeed, form but one in substance, without any comment; and I would only beg leave to recall your Lordship's attention to what I have before urged in my defence with respect to this particular subject; being quite sufficient, in at least my own humble opinion, to disburthen my mind of all care and anxiety as to the result.

9. "Your committee find that many of the depositions produced by Mr. Chisholme contain the assertion that the lives of the persons who made them were in danger; although the facts stated in the depositions authorize, in very few of the cases, such assertions. To explain this circumstance, it suffices perhaps to remark that the greater part of these persons did not understand the language in which the depositions are written; Mr. Chisholme not being sufficiently acquainted with the French language to prepare in that the depositions he is in the habit of receiving."

Fraught as the Report of the special committee is with assertions that are not founded on fact, and with charges that are neither criminal in law, this, perhaps, is the most extraordinary and extravagant one of the whole. It is admitted that many of the depositions furnished by me to the committee "contain the assertion that the lives of the persons who made them were in danger;" yet it is immediately denied that the facts stated in the depositions authorize but in a few cases such assertions! This is surely a charge which carries along with it its own complete refutation. It is from facts alone, founded on truth, that we can either legally or logically deduce conclusions. If, then, a deposition contain the assertion that the life of the deponent was in danger in consequence of a certain violent assault that had been committed upon him, surely nothing could be more just and reasonable than to infer that it had been perpetrated with an intent to murder.

Yet the committee is pleased to insist upon it that the depositions ought to contain other facts in justification of an indictment. In the name of common sense, what other facts could or can be necessary? If, for instance, a man have missed a certain number of articles of household stuff, and swear that he verily believes and suspects he was robbed, and that the robbery was committed by such a person, without mentioning the hour, or describing the mode, the manner, and whole circumstances attending the transaction, it would be impossible to pretend that there had not been sufficient cause for a criminal prosecution. "Oh! but," says the committee, "that won't do: it is not enough that the deponent thought and swore he was robbed, and his goods and chattels exposed to danger; we must ascertain whether the thief entered the house by the front or the back door, through the cellar or the garret, by a window or the chimney; whether he first seized the stolen articles with the right or the left hand; whether he carried them away on or under his arms, on his head or shoulders, and whether he ran or walked off with them; all these particulars we must have before we can suffer the felon to be indicted. The same with an assault with an intent to murder; we must be informed whether the assailant came before or behind; whether he struck with his fists or kicked with his feet; if he had a sword or a gun, a blunderbuss or a bodkin in his hands; whether he drew the trigger with his fore or middle finger; and whether the wounds were inflicted with a sharp or blunt instrument." How truly absurd and nonsensical! never were and never can such circumstantial details be always and uniformly set down in a deposition; and if they could, it is by no means necessary.

sary. It is sufficient if it be generally stated that the offence was committed, and by whom, without descending to every petty and minute particular; and thus we come at once to the conclusion, a far different one from that entertained by the committee, that if by means like these the rights of property of one individual may have been endangered, so may the life of another be put in jeopardy when assaulted in such a manner as to induce the deponent to believe that it really was so; at any rate it was a sufficient justification to me for preferring an indictment, and the finding of the grand jury vindicated the practice. But as it would be difficult to convert the members of the committee to any other opinions or system of reasoning than those entertained by themselves for specific purposes, they proceed, as a matter of course, and without any hesitation whatever, to assign cause for so glaring an instance of dereliction of official duty, and complain that the depositions were drawn up in a language that was not understood by the deponents: "Mr. Chisholme not being sufficiently acquainted with the French language to prepare in that the depositions which he is in the habit of receiving:" as this is not the first time that this important subject has been mooted and made a topic of complaint in this province, it may be necessary to enter upon a slight discussion of it, in order to ascertain whether the offence, if it really be one, and ever have been committed, be of that atrocious nature which it is represented to be, and nearly amounting to the crime of subornation of perjury.

In the first place, the committee, as appears from the report, had but only 17 of the depositions in question before it; and as to the contents of the rest, since my appointment to office, and whether they were written in French or English, or in Greek or Latin, the committee had no evidence whatever before it. In the second place, it is but a very few of the depositions in question that I have drawn up either in my own hand, or by my directions. With respect to those which I did draw up, I merely acted as the amanuensis of the magistrate who may have taken the oath of the informant, and whose duty it was to explain the contents to the juror, in whatever language the affidavit may have been written. In the third place, it may be very true that I am not a proficient in the French language, though I sometimes contrive to read and write it. But is this a crime, or an offence in law or legislation? if it is, I am sorry for it, but cannot help it. I fear that I have spent too many years in the study and acquirement of other languages, both ancient and modern, ever to become an eminent French scholar. I have had the good or bad fortune to be born and educated during the French revolutionary war, when neither France nor her sprightly and vivacious language, whatever they may have been to statesmen and warriors, could have been an object of much interest in the British isles to retired and juvenile students. It is a hard thing, my Lord, to be taunted with a misfortune, for it can only amount to that, which I could neither foresee nor obviate.

"Nemo in sese tentat descendere."

And in the fourth place, the committee, both as lawyers and politicians, ought to know that by the 4 Geo. 2, c. 26, "all informations, indictments, inquisitions and presentments must be in English, under the penalty of 50*l*."

That a justice of the peace, or any other justice or magistrate, or justice or magistrate's clerk, is bound by the criminal law of England, which is the criminal law of this province, to write down, in the language of the informant, the deposition or information of any one seeking public or private redress, is about as absurd and unauthorized a position as was ever advanced in this wide and speculative world. It would lead us, *à priori*, to suppose all judicial and ministerial officers to be, what the most learned judicial and ministerial officers have never yet been, familiarly acquainted with almost all languages spoken under the sun, whether they be Hebrew or Coptick, Greek or Latin, Gothick or Teutonic, Arabic or Hindostanee, Celtic or Irish, Dutch or Spanish, French or Italian, English or Broad Scotch, Huron or Iroquois, Algonquin or Patagonian; if not, we must presuppose what is equally impossible and absurd, that the person applying for redress is acquainted with the language of the magistrate, whatever that may happen to be. It very frequently happens that country justices of the peace in this province, who understand, though they cannot write English, take down the depositions of Englishmen in the French language. I have many such depositions in my custody, and stated the fact to the committee. Not long since a celebrated Indian, of the name of Minissinoo, was indicted in this place on the *ipse dixit* of an old squaw, who understood neither English nor French, and whose declaration was taken down in the latter tongue through the medium of an interpreter who could neither read nor write; yet Minissinoo was convicted of murder, or manslaughter, I forget which, and none of the judges intimated that the information, in virtue of which he was apprehended and prosecuted, was contrary to law. In fact, if the doctrine of the committee be applied to the Indian tribes of this province, no magistrate will be safe in issuing a warrant to apprehend, upon the information of any one of them, even though a Christian, unless such information be written in his own language; for surely if he be a British subject, the rule of the committee must be made applicable to his native tongue, as well as to that of the Englishman and Frenchman; and I do not think that a general rule, comprehending the rights and liberties of a British subject, is one which can admit of an exception, either in favour of or against any one, whatever the committee may have been disposed to imagine.

In Scotland, Ireland and Wales, where the rights and liberties of the people are as sacred and important as they can be in this province, where justice is as purely and impartially administered, where there are as learned and eloquent lawyers, and where, as in this province, many thousands of the people neither speak nor understand a word of English, are their depositions and other evidence written in the language of the deponent? By no means. I have personal knowledge of the fact. They are uniformly put down in English; and

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when the judge or justice is not versed in the language of the deponent, the laws allow him to swear an interpreter; but when the magistrate knows the language of the informant, he has only to read and explain the affidavit in the tongue in which it was uttered. In our sister province of Upper Canada there are also thousands who do not understand and cannot speak one word of English, and whose only and mother-tongue is the Gaelic language; a language of greater antiquity than either French or English. But though there are many magistrates there who perfectly understand, and can read and write Gaelic, yet they never commit depositions to writing in any language but English. They do this, because they know, without allowing their prejudice to get the better of their judgment, that, as I shall presently show, our criminal laws do not recognize any other language than that of the sovereign and country whence we have derived them. The same observations are equally applicable to all the other British provinces of North America; and surely no one can question the right of as many of the inhabitants of those provinces as do not understand English to be heard in their own native language, on the same principle that the French Canadians do; and I have never understood that any exception has been made in favour of the one more than of the other.

Having thus clearly demonstrated the absurdity as well as impolicy of taking down depositions in the French language, when that happens to be the language of the deponent, without extending the same rule to every other tongue, I proceed to discuss those more weighty and important considerations which have reference to this interesting subject.

I shall not in this place consider the too frequently mooted question, what ought to be the judicial language of a conquered people? Whether their own primitive tongue, or that of their conquerors? My only object at present is to refute the serious charge brought against me by the committee, and to that I shall strictly confine myself. But it may be observed, that the natural consequence of all national conquests is the mediate or immediate change of the language of the conquered to that of the victors; and the history of almost all the conquests of the world is a standing proof of the fact. It is obvious on the most cursory view of the French and Spanish languages, that they, as well as the Italian, are derived from one common source, the Latin. "Rome," says Augustin, "imposed not only her yoke, but her language, upon conquered nations." How deeply and indelibly the various dialects of the conquering barbarians of the north have been impressed upon all the languages of modern Europe, every scholar knows. Even so early as the eighth century, the *lingua Romana rustica*, as the vulgar patois had been called, acquired a distinct character as a new language. How then is it possible that the French of Canada can escape a doom so universal and irresistible? A mere dependent province ought and must ultimately submit to the general fate of nations. It may be unpleasant to do so, but the laws which regulate the destiny of man are as invincible as they are imperious. Yet the Canadians themselves, and their avowed advocates on this subject, have gone the length the committee has done in their claims to establish the exclusive use of the French language in all legal proceedings. They have confined themselves to the right of using that language merely in civil matters; maintaining that in no other language is it possible to administer their laws; but forgetting that the civil law of the Romans, which is the source of their own, is administered in almost all the dialects of modern Europe. Claiming, and not unnaturally or unreasonably, their own language for their own laws, they are willing, in a more liberal spirit than the committee, to extend the same privilege to such of the laws of England as have obtained in this province, but especially to the criminal law of that country. They are well aware that there exists no compact in virtue of which they can found a claim to the exclusive use of the French language with respect to either of the laws in force in the province. The capitulation, the final treaty of peace, and all the imperial and provincial statutes are entirely silent on the subject. Were the case otherwise, it would be impossible, even on their own principles, to administer the criminal law of England in any other language.

But whether this be possible or not is a begging of the question. Both the criminal law and the language of England are also the criminal law and language of this province; and as by no other law can crimes be established or criminals tried, so in no other language can this law be administered. The imperial law, by which this state of things exists, while perhaps the greatest boon that a great and generous nation ever conferred upon a dependent people, is happily the source of more general satisfaction and unfeigned gratitude than it has ever been the lot of history to record with respect to a conquered people. This law is written in the 11th section of the 14th Geo. 3, c. 83. "And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants from an experience of more than nine years, during which it has been uniformly administered; be it therefore further enacted by the authority aforesaid, that the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence, as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted, to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord 1764."

Now it is very well known that the criminal laws which were in force in this province previous to the conquest, as well as the method of prosecution and trial, and "mode of proceeding thereon," were severe, arbitrary, tyrannical and despotic in the highest degree, and altogether of such a nature as not to be tolerated for a moment under British rule. But however degrading and injurious to the rights of civilized beings, we have cause to thank heaven that they have been for ever abolished by the above humane and constitutional statute. Can it then for an instant be questioned that the abrogation of the language in which such debasing laws and iniquitous proceedings were executed was not intended to be
equally

equally complete and permanent? There is every reason to conclude that it was the intention of the Imperial Legislature to set aside not only every vestige of the criminal jurisprudence of France, if it deserve the name, but also the language in which it was administered. At any rate it is quite clear that the whole of the criminal laws of England must be enforced in the language of that country; and unless we can discover that, while introducing these laws into this province, any exception has been made in favour of the French language, we must of course conclude that the same rule applies to them, in as far as it can be carried into effect without injury to the rights and liberties of the subject.

It is true that no criminal process can ever be carried on with justice to the parties accused but in their own language, as well as in that of the witnesses and jury. But this rule can only have reference to the oral part of the proceedings, with regard to which, both in England and in this province, ample provision is made by the introduction of translators and interpreters. But is it to be endured that the instant a criminal is put upon his trial, the record is to be kept in the language of the offender, whatever that may be, and not in that of the laws and the country before which he stands? Such a state of things would lead to interminable confusion; and the result would be that we could not boast of that which forms one of our greatest civil safeguards, an uniformity of language. If, therefore, it be true that the criminal laws of England have imposed their own language upon this province, and that all and every part of those laws must be administered in that language, surely nothing can be more idle and useless than thus to be constantly raising doubts and cavils upon the subject. If we refer to the imperial statute, nothing can be more demonstrative of my position; for the section already quoted expressly provides that the criminal law of England shall not only be the criminal law of this province, but that it shall be observed as law, "as well in the description and quality of the offence, as in the method of prosecution and trial." What, my Lord, can be more plain, simple and conclusive than this? and consequently, what can be more plain, simple and conclusive than that, if an information upon oath be the first step of a "prosecution," and as such, a matter of record, it ought to be written in the only language known to our laws, and not in that of the informant, who often speaks a tongue that is not a written language at all, and of which there are not a few on this continent? But it is unnecessary to pursue the argument further.

10. "In the five years which preceded the year 1831, there were only five indictments in all for assault and battery with intent to murder; while your committee find that of 89 indictments submitted to the grand jury for the last five years, 84 have contained the count that the offence had been committed with the intent to murder. Of this number, but six persons have been found guilty of the crime as laid in the indictment."

This charge has already been answered, and a reference to the list marked (A.), herewith transmitted, will afford to your Lordship another incontestable proof of the slight grounds upon which the committee find it convenient to advance and reiterate their accusations, and to frame them into every shape and mould that a perverted imagination can invent. Could the committee ever suppose that the number and quality of criminal offences are always to be the same in a given period of time, whatever may be the sum of the population and the circumstances of the times? I will venture, on the contrary, to assert that more breaches of the peace, and serious and deadly assaults were committed at Quebec during the last week, than have occurred in the district of Three Rivers during the last five years; which is a convincing proof that nothing can be more preposterous than to imagine that crimes are ever to continue to be in proportion to the wishes of the public guardians of the peace. But does the committee not know that criminal offences are progressively on the increase in this province? and that unless some more effective measures be speedily resorted to for the purpose of restraining so fearful a scourge by a more efficient system of police, and a better protection and remuneration of those to whom the execution of the laws is confided, the province will soon be placed in a most alarming position? I hold it to be a matter of no consequence to the present inquiry what may have been the number of indictments preferred within a certain period, more or less. Whatever the number may have been, I am not accountable; and that is entirely a matter of accident and contingency. But is it really true that the indictments here complained of have multiplied at a greater rate than those for other denominations of offences? Let us try. During the first period in question, it will be found from list (A.), that the number of indictments of every description amounted only to 131; whereas during the latter period it amounted to 407; thus increasing nearly fourfold in the space of four years. But in order that this prodigious increase may not be attributed in the slightest degree to the 84 indictments so grievously complained of, I shall deduct them from the gross amount, and we still find that these prosecutions increased in nearly a threefold ratio; the number being 323! Why then, my Lord, should I be thus persecuted and almost stoned to death? Am I to be thus treated because it has unfortunately been discovered that crime is upon the increase; and the members of the committee have taken it into their heads that, however this may be the case, there is one, and but one, species of offence that must always continue to be stationary? The answer is obvious, and has already been given. As to the number of persons "found guilty of the crime as laid in the indictment," it is only necessary to repeat that I am not, and cannot be made accountable for the verdict of a jury, whether it acquit or condemn. He little knows the general issue of criminal prosecutions who will venture to predict the result in every case. I thank God that it is in the acquittal, and not in the conviction of criminals that this charge has been urged against me.

11. "Many of the persons accused have not taken their trial, when the indictment has been reduced, by the finding of the grand jury, to simple assault. The reason given by

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Mr. Chisholme is, that in these cases he does not proceed to trial, unless his fees on the proceedings, subsequent to the finding of the bills, are assured to him by the private prosecutor; and he added, that in many cases the latter had paid him such fees. Your committee having directed him to lay before them a list of such cases, he undertook so to do. This order not being complied with, your committee were under the necessity of directing him to come down from Three Rivers a second time. Mr. Chisholme, on his second examination, stated that he could not produce the list demanded, because he was never paid any fees by the private prosecutor. Being asked how he explained the contradiction between this statement and his remarks on the former occasion, he was not able to do so in a satisfactory manner; and has thus, in the opinion of your committee, been guilty of a manifest contradiction, and of a wilful misrepresentation of facts."

This, my Lord, is a long story, with a most lame and impotent conclusion. I am charged with being "guilty of a manifest contradiction, and a wilful misrepresentation of facts." But I deny it, and shall prove that the charge is unfounded. I shall have but little difficulty in doing so. I shall only resort to the same grounds of evidence that the committee has done, and that is, my own examination; and, hurried and unpremeditated as my answers were, I have no hesitation to abide by the result, if impartially considered and weighed. In my answer to question 104 I stated, "that unless the grand jury found the bills of indictment true, with respect to the count for an assault with an intent to murder, I did not proceed to trial without the authority of the private prosecutor, who then became responsible for the costs in prosecuting to conviction on the count of simple assault." Your Lordship will be pleased to observe, that by such a finding, on the part of the grand jury, the case was entirely taken out of my hands as prosecutor for the Crown; and that the private prosecutor was the only one entitled by law to go on with the ulterior proceedings, and, of course, the only person responsible for the fees and costs to me, as public prosecutor in his behalf.

105. "Were the cases to which you refer paid to you by the private prosecutors?"—"In many cases."

And here it is necessary to remark, that the word "many" formed no part of my answer to this question; my answer was, "in several cases." By referring to Appendix (C.) to the Report, it will be seen that only 18 indictments for assault and battery with intent to murder had been reduced by the grand jury to cases of simple assault and battery; and, therefore, that the word "many," which means a great number, if really used, which it was not, could not, by any possibility, apply to so small a number as 18. This is a matter of but little consequence in itself; but it is best to adjust it in the proper time.

106. "Can you detail the cases in which those costs were paid to you?"—"I cannot, at present."

107. "Could you at a future day, and when?"—"I shall endeavour to do so as soon as possible."

Having been ordered by the committee to furnish a "list of cases in which proceedings on indictments for assault and battery with an intent to murder, have been paid by the private prosecutors," my simple answer, by return, dated the 19th December, was, "I regret, exceedingly, that it is not in my power to furnish the committee with the list in question." This answer will be found in the proceedings of the committee under the date of the 21st December 1835. It ought, however, to be particularly observed by your Lordship, that in calling so urgently for the document in question, the committee never condescended to make any distinction between Crown and private cases, as pointed out by me in my answer to question No. 104; and that, instead of commanding me to produce a list of cases of assault and battery with intent to murder, reduced, by the finding of the grand jury, to cases of mere assault and battery, they persisted in demanding a "list of cases in which proceedings on indictments for assault and battery with an intent to murder have been paid by the private prosecutors." It is very probable that the committee misstated the subject, and forgot its aim; but that was no affair of mine. I had but one simple duty before me, that of answering, to the best of my knowledge and belief, such questions as might be put to me; and that I have done.

I was again ordered to appear before the committee on the 28th December; I did attend; but it would appear that the members of the committee did not find it convenient to meet me; it was, perhaps, a *dies non* with them. Next day, however, they assembled, and the first question put to me was,

1. "Can you furnish the committee with the papers required by the order addressed to you, and dated the 22d December instant?"—"I cannot produce list No. 1, required, viz. list of cases in which proceedings on indictments for assault and battery with intent to murder, have been paid by the private prosecutor; because I was never paid any fees, in such cases, by the private prosecutor." Nor was I. If paid fees at all by the private prosecutor, it could only be in cases reduced, as above, to cases of mere assault and battery, and of which a more particular description is given in my answer to question 104. It will thus be perceived that my answer was correct and precise to the very letter, in every point of view. That it was so, is confirmed by my answer to question No. 6, of my second examination, thus: "What I meant to say was, that when indictments for assault and battery with intent to murder, were laid before the grand jury, and were found true as to the assault and battery only, the private prosecutors became responsible for the fees of the trial only, if the trial took place." Here the committee began to open its eyes, and to perceive the distinction which I had all along maintained between indictments for assault and battery with intent to murder, and such indictments reduced, by the grand jury, to simple assault and battery.

Accordingly,

Accordingly, in its seventh question the committee came to the point; and my answer corroborates everything that I had already stated: "I cannot recollect one instance wherein I was paid by the private prosecutor."

8. "Are the Committee to infer that, in such cases, you were never paid by the private prosecutor?"—"I might have been, in some cases; but I cannot say in how many, or by whom."

9. "How came you, then, to state positively, on a former occasion, that in many (several) cases the costs to which you referred were paid by the private prosecutors, that you could not detail these cases then, but would endeavour to do so as soon as possible?"—"I have made every endeavour to get the detail of these cases, thinking that I should have been able to do so; but I find that I cannot, though exceedingly willing to furnish the committee with every information in my power."

But it is time to draw the curtain over this frivolous and unprofitable scene. The object of the committee cannot have been mistaken; and that I have not been involved in a deeper and more inextricable labyrinth can only be owing, I will say it, to the fairness and honesty of my purpose. What, then, becomes of the evidence by which the "guilt of manifest contradiction and a wilful misrepresentation of facts is established?" I rather think, my Lord, that it is nowhere to be found, except perhaps in the perturbed and dreamy regions of infictious malevolence. It therefore only remains for me to express my utter scorn and derision of the loathsome imputation, and, with the greatest possible deference for your Lordship, to throw it back in the teeth of its insolent and slanderous authors, whoever they may be.

12. "Your committee have also found that up to the year 1829, indictments for assault and battery, and proceedings thereon, formed part of the sentence pronounced against defendants when found guilty. A period was put to this practice by decisions of the Court of King's Bench, condemning the clerk of the peace and the other officers of the court of quarter sessions to pay back these costs. It is this circumstance which, in the opinion of your committee, explains the progressive decrease from that time of indictments for assault and battery, for which the clerk of the peace has since been paid by the private prosecutor, and the progressive increase of indictments for an assault and battery with intent to murder, on which the clerk of the peace is paid by Government."

The first sentence of this charge is downright nonsense; for how "indictments for assault and battery, and proceedings thereon," could form "part of the sentence pronounced on defendants when found guilty," surpasses my poor capacity to comprehend; I therefore pass it by as unworthy of further notice. As to the costs said to have been forced back from the officers of the quarter sessions by decisions of the civil courts, the plain tale is this: At the period of my appointment to office, and ever since the institution of the court of quarter sessions in this district, the practice obtained, as well here as in the other districts of the province, of condemning defendants when convicted in cases of assault and battery, to pay the costs of prosecution. These costs generally consisted of the fees of the clerk of the peace for drawing the indictment and issuing the various processes of the court; of those of the attorney of the private prosecutor for conducting the trial, and which were uniformly the largest of the whole; of those of the crier of the court; and of the constables for summoning witnesses, &c. I do not justify the practice; I never did; and I can assure your Lordship that it was discontinued long before any suit had been instituted either against the clerk of the peace or others. But is the clerk of the peace the only officer of the court of quarter sessions who is to be rendered obnoxious to public censure, and dismissed from office for following, during a year or two, a practice that prevailed before he was born, and who was the very first to put a stop to it? What become of the sanction and decisions of the court itself, who taxed the bills of costs, and awarded judgment for their amount? The attorneys are officers of the court of quarter sessions; where are they who participated so largely in the iniquitous spoil? Nay, where is the King's counsel for the district himself, who both countenanced and derived benefit from the system? The committee saith not, and is silent with respect to every one except the unfortunate clerk of the peace, who must be hunted beyond the boundaries of society in order to gratify a rabid clamour against official delinquency.

It is very true that the circumstance alluded to by the committee will have had the effect of diminishing the number of indictments for simple assault and battery. It has to a certain extent tended to put a stop to the vindictive feelings of private prosecutors, and perhaps to the rapacity of "the other officers of the court of quarter sessions," as well as to the malversation of the clerk of the peace. But should private prosecutors enjoy the means of giving vent to their passions, for they are generally the poorest of the poor, it will be seen from list (C.), herewith enclosed, that an ample harvest could be reaped by themselves and their advocates during the last five years. And as to the increase of indictments for assault with intent to murder, the subject has already been amply discussed, and completely upset. One begins to loathe any reference to so hacknied a topic; and, for my part, I willingly consign it to perpetual oblivion.

13. "On each indictment for a crime, other than simple assault, the clerk of the peace receives 6s. 8d. from Government, and 13s. 4d. more when the trial takes place, besides fees on subpoenas and bench warrants. This circumstance forms the explanation of the whole system which has been acted upon by Mr. Chisholme since his accession to office. He has, in the opinion of your committee, for the sordid and corrupt motives of lucre and gain, harassed and vexed the faithful subjects of His Majesty, and has unjustly exposed them to the expense, shame and disgrace attendant upon criminal prosecution."

There is nothing in this charge worthy of a moment's serious consideration; and what there is in it, is totally unsupported by any proof whatever. I shall therefore be very brief

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in my reply. The subject has become stale upon our hands, my Lord; and the frequent repetitions and involutions of the report have made it doubly tedious and disagreeable. It is here charged against me that I receive certain fees for the performance of my duty as a public officer. Having no salary for doing so, it would be strange if I were not remunerated in some way or other. Did the committee suppose or expect that a public officer is bound to serve even his country for nothing? I do, then, receive the fees and emoluments in question; and if the amount were five times as much, no disinterested arbiter would grudge it to me, considering the duties I perform, and the responsibilities I incur by being from day to day subjected to the animadversions of the ignorant and the scrutiny of the malevolent. It is but justice to the House of Assembly to state, that by a bill lately passed in that House the emoluments of all the civil officers of the province were reduced one-third, except those of the sheriff and the clerk of the peace at Three Rivers: thus legislatively evincing the conviction of that honourable body that those two officers were far from being adequately compensated for the performance of their official duties.

I am next accused of being actuated by sordid and corrupt motives. But is there any evidence of this before us, my Lord? When there is, it will be time enough to discuss and refute the ignoble charge. I defy the committee and all mankind to establish the base and brutal insinuation. I was, thank God, cast in a different mould; and if I had not, it is somewhat more than probable that I would not now be so poor a man as I am. Those who know me best, know that I speak the words of soberness and truth; and, if necessary, would vouch for it at any time, or under any circumstances. I am therefore prepared to deny the accusation as sternly as, from the bottom of my soul, I despise those with whom it has originated.

The last charge is, that I have harassed and vexed the faithful subjects of His Majesty. Your Lordship will remember, for I am sure it is imprinted on your mind, that sufficient has been said to gainsay and repudiate this insidious, malignant and preposterous ground of accusation. I would only, therefore, with respect to one and all of the charges preferred against me, beg permission to call your Lordship's attention to the enclosure marked (D.), herewith transmitted. It is a spontaneous and unsolicited mark of approbation, originating with such of the magistrates of this town and district as have had access to know me best both in public and private life. I need not say that I am very proud of this tribute of the esteem of gentlemen of the highest respectability in every walk of life; and who, as the King's magistrates, have ever supported the honour and dignity of their station. I feel that I am most grateful for it. It is a great consolation to me in this the day of my adversity, and will ever affect me with the warmest sentiments of regard and goodwill.

I have done, my Lord. I hope I have said nothing that has been either offensive to your Lordship, or unbecoming the situation in which I stand. I am upon my defence, and my heart is full. I am not ambitious of office, and least of all of the tenure upon which it is at present held in this province. It is true that I have no other means of living; but me and mine would rather become wandering outcasts, and beg our bread from door to door, than submit to an inquisitorial tyranny that is at variance with every principle of the British constitution. I am in the hands of your Lordship. I expect that justice which is due to a British subject from the unsullied honour of a British peer.

I have, &c.

(signed) *David Chisholme,*
Clerk of the Peace.

Three Rivers, 31 March 1836.

(A.)

LIST of INDICTMENTS laid before the Grand Jury of the Courts of General Quarter Sessions of the Peace in and for the District of *Three Rivers*, during the Years 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834 & 1835, inclusive.

DATE.	NAMES.	OFFENCE.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
1827:					
Jan. -	Louis Hyacinthe, alias Bellerose.	petty larceny - -	true bill -	no deposition.	
	Louis Grondin - -	- - assault and false imprisonment.	ditto -	deposition.	
	Euphrosine Roi & al. -	riot and assault -	ditto -	- ditto.	
	Raymond Camfel & al. -	- ditto - -	ditto -	no deposition.	
	William Kent - -	negligent escape -	ditto -	deposition.	
	Patrick Fitzpatrick -	petty larceny - -	ditto -	- ditto.	
	Jeremie Lemai - -	assault and battery -	ditto -	- ditto.	
	James Wallace - -	- - ditto - -	ditto -	- ditto.	
April	Pierre Berneche - -	petty larceny - -	ditto -	- ditto.	
	Jean Bte. Beaulieu -	assault and battery -	ditto -	- ditto.	
	Antoine Bellanger -	- - ditto - -	ditto -	- ditto.	
	Areli Blake Hart - -	- - ditto - -	ditto -	- ditto.	
	François Isabelle -	- - ditto - -	ditto -	- ditto.	
	Joseph Pothier - -	ingrossing - -	ditto -	no deposition	- conviction
	Antoine Cournoyer -	assault and battery -	no bill -	deposition.	and fine.

CHARGES AGAINST MR. CHISHOLME.

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DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.	Correspondence respecting Mr. Chisholme.
1827: July -	Antoine Delaurier & al.	- nuisance, disorderly house.	true bill -	deposition.		
	Mathilde Provost	- larceny -	ditto -	- ditto.		
	Alexis Carpenter	- assault and battery -	ditto -	- no deposition.		
	James Jackson	- - ditto -	- ditto for assault.	- ditto.		
	Joseph Brunelle	- assault -	no bill -	- ditto.		
Oct. -	Marie Janvier	- petit larceny -	true bill -	deposition.		
	Antoine Jacques	- larceny -	ditto -	- ditto.		
	Joseph Neckless	- nuisance -	ditto -	- no deposition -	- conviction and fine.	
	Modeste Alarie	- ditto -	ditto -	- ditto		
	Selby Burn	- ditto -	ditto -	- ditto		
	Charlotte Louval & al.	- ditto -	ditto -	- ditto		
	Samuel Cowan	- ditto -	ditto -	- ditto		ditto, on information of a public officer.
	Hubert Duplesses	- ditto -	ditto -	- ditto		
	Laurent Girardeau	- ditto -	ditto -	- ditto		
	David Bellhouse	- ditto -	ditto -	- ditto		
	Clement Langlois	- ditto -	ditto -	- ditto		
	François Normand	- ditto -	ditto -	- ditto		
	Joseph Laplante	- assault and battery -	ditto -	deposition.		
	Joseph Provancher	- - ditto -	ditto -	- ditto.		
	George N. Turner	- - ditto -	ditto -	- ditto.		
	Charles Veillet	- - ditto -	ditto -	- ditto.		
	James Peoples & al.	- riot and assault -	- riot, but not assault.	- ditto.		
	Alexis Pichette & Ux.	- nuisance, disorderly house.	true bill -	- ditto.		
1828: Jan. -	Thos. Laframboise & al.	- riot and assault -	ditto -	- ditto.		
	Ditto	- assault on constable, &c.	ditto -	- ditto.		
	François Barolette	- assault and battery -	- ditto, simple assault.	- ditto.		
	Eliza A. Fisher	- larceny -	no bill -	- ditto.		
	Pierre Manaçon	- ditto -	true bill -	- ditto.		
	Charles Houle	- forcible entry and detainer.	no bill -	- ditto.		
April	Pierre Doucet	- blasphemy -	true bill -	no deposition -	- - by <i>viâ</i>	
	Arch. B. Hart	- assault and battery -	ditto -	deposition.	voce of private prosecutor during the sessions; conviction.	
	Eugene Rousseau	- - ditto -	ditto -	- ditto.		
	Emanuel Firmin	- assault to murder -	true bill -	deposition.		
	Ditto	- assault and battery -	ditto -	- ditto.		
	Ditto	- - ditto -	ditto -	- ditto.		
	Benjamin Vadeboncœur	- - ditto -	no bill -	- ditto.		
	Magdelaine Goden	- petty larceny -	true bill -	- ditto.		
	Jos. Deguire Derosier	- assault and battery -	-	- ditto	- N.B. settled in court.	
July -	James Bell	- - ditto -	true bill -	no deposition -	conviction.	
	Margaret Laing	- larceny -	ditto -	deposition.		
	Fras. Lacharité	- ditto -	ditto -	- ditto.		
	Magdelaine Goden	- petty larceny -	ditto -	- ditto.		
	Augustin Antaya	- ditto -	no bill -	- ditto.		
	Edward Chatelreau	- assault and battery -	ditto -	- ditto.		
	Leandre Morets & al.	- - ditto -	ditto -	- ditto.		
	Hubbard Cummings	- - ditto -	true bill -	- ditto.		
	Germain Talbot	- petty larceny -	ditto -	- ditto.		
Oct. -	Joseph Lahierre	- larceny -	ditto -	- ditto.		
	Aimable Courteau	- ditto -	ditto -	- ditto.		
	Nicholas Labrique	- ditto -	ditto -	- ditto.		
	Ditto	- petty larceny -	ditto -	- ditto.		
	Louis Paquette	- ditto -	ditto -	- ditto.		
	Ditto	- ditto -	ditto -	- ditto.		
	Denis F. Vadeboncœur	- assault and battery -	ditto -	- ditto.		
	Jean Bte. Cartier	- - ditto -	- - for a simple assault.	- ditto.		
	Jos. Provancher	- - ditto -	true bill -	- ditto.		
	Bonaventure Lacourse	- - ditto -	ditto -	- ditto.		
	Thomas Dubord & al.	- - refusing to assist a constable, &c.	ditto -	- ditto.		
	Fras. Brassard & al.	- - assault with intent to murder.	ditto -	- ditto.		
	Fras. Cyre & alios	- assault on an officer, &c.	true bill -	deposition.		

Correspondence respecting Mr. Chisholme.	DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
	1829:					
	Jan. -	Pierre Paquin - -	assault and battery -	true bill -	deposition.	
		Francis H. Durand - -	petty larceny - -	ditto -	- ditto.	
		Gabriel Houle - -	- - assault on an offi- cer, &c.	ditto -	- ditto.	
		Ditto - -	assault on a bailiff -	ditto -	- ditto.	
		Etienne Dubois - -	grand larceny - -	ditto -	- ditto.	
		Jean Couvillon - -	larceny - -	no bill -	- ditto.	
		Antoine Briere & al. -	- ditto - -	true bill -	- ditto.	
		Ditto - -	petty larceny - -	ditto -	- ditto.	
		Johnstone Ogilvie - -	larceny - -	ditto -	- ditto.	
		Noel Darois & al. -	assault and battery -	ditto -	- ditto.	
	April	Joseph Lefevre L'Abbé	larceny - -	ditto -	- ditto.	
		Jas. Alex. Thomson -	assault and battery -	ditto -	- ditto.	
		Pierre Heroux, alias Bois- clair.	- - assault on a con- stable, &c.	no bill -	- ditto.	
		Jos. Haule & al. -	larceny - -	true bill -	- ditto.	
		Charles Pressé & al. -	- nuisance, disorderly house.	ditto -	- ditto.	
		Ann Taylor - -	assault and battery -	ditto -	- ditto.	
		Marie Girardeau & al. -	petty larceny - -	ditto -	- ditto.	
		Joseph Gilbert - -	- ditto - -	ditto -	- ditto.	
		Ditto - -	- ditto - -	ditto -	- ditto.	
		Marie Benoit - -	- ditto - -	ditto -	- ditto.	
		Louis Gagnon - -	larceny - -	ditto -	- ditto.	
	July -	Jean Couvillon - -	- - breaking out of house of correction.	ditto -	- ditto.	
		Louis Paquette - -	petty larceny - -	ditto -	- ditto.	
		Thomas Graham - -	assault and battery -	ditto -	- ditto.	
		Robert M'Vickar - -	- ditto - -	ditto -	- ditto.	
		Joseph Mathon - -	- - ditto - -	ditto -	- ditto.	
		Pierre Caya - -	- - ditto - -	ditto -	- ditto.	
	Oct. -	Thomas Leary & al. -	riot and assault -	- - ditto against 4 defendants.	- ditto.	
		Jean B ^{te} Belletête -	- - assault with intent to murder.	true bill -	- ditto.	
		Gabriel Benoit - -	- nuisance, disorderly house.	no bill -	- ditto.	
		Frans. Cloutier & Uxor	- - ditto - -	ditto -	- ditto.	
		Frans. Patoille, sen. -	- - assault with intent to murder.	true bill -	- ditto.	
		Joseph Lauranger -	- - assault on clerk of the market.	no bill -	no deposition -	by <i>virid voce</i> of a public officer ; clerk of the market.
		Ditto - -	- - ditto - -	true bill -	- ditto	
		Pierre Giguere - -	forestalling - -	ditto -	- ditto	
	1830:					
	Jan. -	Jean Guille - -	assault and battery -	ditto -	- ditto.	
		Pierre Olivier - -	petty larceny - -	ditto -	deposition.	
		Joseph Leonnais - -	- ditto - -	no bill -	- ditto.	
		Frans. L'Esperance -	- - assault on a con- stable, &c.	ditto -	- ditto.	
		Louis E. Dubord - -	- - ditto - -	- true bill for assault only.	- ditto.	
	April	Michel Gailloux - -	blasphemy - -	true bill -	- ditto.	
		Ant ^{ne} Bazin - -	assault and battery -	ditto -	- ditto.	
		Gab ^e Proulx - -	- - ditto - -	no bill -	- ditto.	
		Antoine Robert - -	- - ditto - -	ditto -	- ditto.	
		Edouard Mathon et al. -	riot and assault -	- true bill, riot only.	- ditto.	
		David Harvey - -	- - assault with intent to murder.	true bill -	- ditto.	
		Louis Beaudry - -	assault and battery -	ditto -	no deposition -	- conviction and fine.
		Jos. Craig Morris -	- - ditto - -	ditto -	- ditto	- conviction,
		Ditto - -	- - assault on a con- stable, &c.	ditto -	deposition.	
		Généviève Paille - -	- nuisance, disorderly house.	no bill -	no deposition.	

DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.	Correspondence respecting Mr. Chisholme.
1830: July -	Charles Labonté -	- - breaking out of the gaol.	true bill -	deposition.		
	Charles Parant -	- - assault on a constable, &c.	ditto -	- ditto.		
	Marguerite Dargie -	larceny - - -	ditto -	- ditto.		
	Jos. Seb Letiecq -	petty larceny -	no bill -	- ditto.		
	Emanuel Firmin -	- - obtaining a silver watch on false pretence.	true bill -	- ditto.		
1831: Jan. -	Francis Deguise -	petty larceny - -	ditto -	no deposition -	- - conviction, sent to house of correction.	
	John Fowle -	larceny - - -	ditto -	deposition.		
	Regis Bergeven, alias Langevin.	petty larceny - -	ditto -	- ditto.		
	Ambroise Mairand -	- ditto - - -	ditto -	- ditto.		
	Pierre Fortier -	- ditto - - -	ditto -	- ditto.		
	Ditto -	- ditto - - -	ditto -	- ditto.		
	Bazile Branconnier -	- ditto - - -	ditto -	- ditto.		
	Noel Gingras -	- ditto - - -	no bill -	- ditto.		
	Campbell Murray -	- ditto - - -	ditto -	- ditto.		
	Casimir Dery -	assault to ravish -	true bill -	- ditto.		
	Moses Hart -	- ditto - - -	ditto -	- ditto.		
	Louis Tamaquois & al.	- - assault with intent to murder.	- ditto, for assault & battery.	- ditto.		
	Marie Benoit & al.	- ditto - - -	no bill -	- ditto.		
	Louis Cantara & al.	riot and assault -	ditto -	- ditto.		
	James Crawford & al.	- ditto - - -	true bill -	- ditto.		
	Alexis Thibaudeau & al.	- - assault with intent to murder.	ditto -	- ditto.		
	Pierre Robetaille & al.	riot, &c. - - -	no bill -	- ditto.		
	François Bourré -	assault on a bailiff, &c.	true bill -	- ditto.		
	Michael Mullan -	- - assault on a constable, &c.	ditto -	- ditto.		
	Louis Thibeau -	- - neglect of duty as a constable, &c.	no bill -	- ditto.		
	Louisa Chassman -	- nuisance, disorderly house.	true bill -	- ditto.		
	Julie Regis, alias Pare-	- ditto - - -	no bill -	- ditto.		
	Guillaume Smith -	extortion - - -	ignoramus -	- ditto.		
	Joseph Gouen -	assault and battery -	true bill -	- ditto.		
	Michel Guille -	- ditto - - -	ditto -	- ditto.		
April	Moses Hart -	- nuisance, disorderly house.	no bill -	- presentment of grand jury.		
	Louis Robert -	- - assault with intent to murder.	ditto -	deposition -	- - deposition of Catherine De-fosse.	
	Alexis Latreille -	- ditto - - -	ignoramus -	- ditto.		
	Ditto -	- ditto - - -	true bill -	- ditto.		
	Hypolite Beaulieu & al.	- ditto - - -	no bill -	- ditto.		
	Ditto -	affray - - -	ditto -	- ditto.		
	Pierre Girard -	riot and assault -	true bill -	- ditto.		
	William Hicks -	assault - - -	ditto -	- ditto.		
	Bellarmin Massiot -	petty larceny - -	ditto -	- ditto.		
	Joseph Lapeine -	- ditto - - -	ditto -	- ditto.		
	Timothy Hallen -	- ditto - - -	ditto -	- ditto.		
	Jean B ^{te} Boisvert -	assault on an officer, &c.	ditto -	- ditto.		
	Felix Laplante & al.	larceny - - -	ditto -	- ditto.		
July -	Jean B ^{te} Boisvert -	purloining a writ, &c.	ditto -	- ditto.		
	Felix Laplante & al.	larceny - - -	ditto -	- ditto.		
	Victoire Vient -	petit larceny - -	ditto -	- ditto.		
	Michael Mullen & al.	affray - - -	ditto -	- ditto.		
	Marie Louise Baudet & alios.	- nuisance, disorderly house.	no bill -	- ditto.		
	Charles Lamotte & al.	- ditto - - -	ditto -	- ditto.		
	Raphael Baril -	assault on an officer, &c.	true bill -	- ditto.		
	Edward Fitzgerald -	- - exciting persons to riot, &c.	no bill -	- ditto.		
Oct. -	Pascal Rondeau -	assault on an officer, &c.	true bill -	- ditto -	- - deposition of Louis Perrault.	
	John Thayer -	grand larceny - -	ditto -	- ditto.		
	Antoine Deselets -	assault - - -	no bill -	no deposition.		
	Jean Noel -	petty larceny - -	true bill -	deposition.		
	Toussaint Bendorun & al.	- ditto - - -	ditto -	- ditto.		
	Henri Elie, alias Breton	- ditto - - -	no bill -	- ditto.		
	Ditto -	- ditto - - -	ditto -	- ditto.		

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Correspondence
respecting
Mr. Chisholme.

DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
1831:	William, alias James Jenkinson.	petty larceny - -	no bill -	deposition.	
	Charles Matton - - -	- ditto - - -	true bill -	- ditto.	
	Charles Houle - - -	- - assault upon an officer, &c.	ditto -	- ditto.	
	Edouard Langvin -	- blasphemy - -	ditto -	- ditto.	
	Pierre P. Derosier & al.	- riot and assault -	ditto -	- ditto.	
	Wellebrode Demers & al.	- ditto - - -	ditto -	- ditto.	
	George Bright - - -	- - assault with intent to murder.	ditto -	- ditto.	
	Jean Gobin - - -	- ditto - - -	ditto -	- ditto.	
July -	Louis C. Moreau -	- petty larceny - -	ditto -	- ditto.	
1832:					
Jan. -	Joseph Vient - - -	- ditto - - -	ditto -	- ditto.	
	Antoine Paquet, alias Collins.	- ditto - - -	ditto -	- ditto.	
	Joseph Precour - -	- ditto - - -	no bill -	- ditto.	
	Catherine Lagrave -	- - obtaining goods on false pretences.	true bill -	- no deposition -	- - conviction and sentence.
	Ditto - - -	- - assault with intent to murder.	ditto -	- deposition.	
	Henry Dunnan - - -	- ditto - - -	ditto -	- ditto.	
	Edward Corrigan -	- ditto - - -	no bill -	- ditto.	
	John Macphail - - -	- ditto - - -	true bill -	- ditto.	
	Marie Desarge Barel -	- ditto - - -	no bill -	- ditto.	
	John Hauleston - -	- ditto - - -	true bill -	- no deposition -	conviction.
	Jos. Craig Morris & al.	- affray - - -	- - ditto against two defendants.	- deposition.	
April	Alexander Ferguson -	- grand larceny - -	no bill -	- ditto.	
	Ditto - - -	- ditto - - -	ditto -	- ditto.	
	Marie Baul - - -	- ditto - - -	true bill -	- ditto.	
	Marie Euph ^{ne} Munie -	- ditto - - -	ditto -	- ditto.	
	Jean Baptiste Plouff -	- - nuisance, disorderly house.	no bill -	- ditto.	
	François Blandal -	- ditto - - -	true bill -	- ditto.	
	Joseph Gilbert & al. -	- ditto - - -	ditto -	- ditto.	
	John Cox - - -	- ditto - - -	ditto -	- ditto.	
	Ditto - - -	- - assault with intent to murder.	ditto -	- ditto	- - deposition, Catherine Taylor.
	Olivier Taupen & al. -	- riot and assault -	no bill -	- ditto.	
	John Smith & al. -	- affray - - -	ditto -	- ditto.	
	Amable Decoteau -	- indecency - - -	true bill -	- no deposition -	- - conviction and sentence.
July -	Généviève Carpenter -	- petty larceny - -	ditto -	- ditto -	
	Hypolite Simard, alias Labranche.	- ditto - - -	ditto -	- deposition.	
	Antoine Montreuil -	- ditto - - -	ditto -	- ditto.	
	Hypolite Simard, alias Labranche.	- ditto - - -	ditto -	- ditto.	
	Claude Ferron & al. -	- ditto - - -	ditto -	- ditto.	
	Adelaide Belisle - -	- - nuisance, disorderly house.	no bill -	- no deposition.	
	Thomas Moss & al. -	- affray - - -	ditto -	- deposition.	
	William Warrington -	- - assault with intent to murder.	true bill -	- no deposition.	
	Hector R. Major - -	- ditto - - -	ditto -	- deposition.	
	Louis Andre Arenhoo -	- ditto - - -	ditto -	- ditto.	
	Louis Baudry - - -	- assault on an officer, &c.	- d ^o , simple assault.	- ditto.	
Oct. -	Angeli Taily - - -	- petty larceny - -	true bill -	- ditto.	
	Zepherin Dugas, alias Labreche.	- ditto - - -	no bill -	- ditto.	
	Jean Baptiste Couvillion	- ditto - - -	ditto -	- ditto.	
	George Carpenter -	- ditto - - -	true bill -	- ditto.	
	Marie Racine - - -	- ditto - - -	ditto -	- ditto.	
	Jean Baptiste Peltier & al.	- - nuisance, disorderly house.	ditto -	- ditto.	
	Marie Baril - - -	- ditto - - -	ditto -	- ditto.	
	John MacGowan - -	- - assault, with intent to murder.	ditto -	- ditto.	
	Walter Fuite - - -	- ditto - - -	ditto -	- ditto.	

Correspondence
respecting
Mr. Chisholme.

DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
1832: Oct. -	Simon Simoneau	- - assault with intent to murder.	true bill	- deposition.	
	Louis Bigué	- - ditto	ditto	- ditto.	
	Joseph Bellemand	- assault on an officer, &c.	ditto	- ditto.	
	Jean F. C. Ouillet	- - assault on school trustees, &c.	no bill	- ditto.	
	Jos. Lambert & al.	- riot and assault	true bill	- ditto.	
	Pierre A. Dorion & al.	- ditto	no bill	- ditto.	
	Flavien Vadeboncœur & al.	- ditto	true bill	- ditto.	
	David Houle & al.	- ditto	no bill	- ditto.	
	Ditto	- affray	ditto	- ditto.	
	Pierre St. Hilaire & al.	- ditto	true bill	- ditto.	
	Olivier Courteau & al.	- ditto	ditto	- ditto.	
	Regis Gelinas	- assault on an officer, &c.	ditto	- ditto.	
1833: Jan. -	Eugene Rousseau	- - assault with intent to murder.	ditto	- ditto.	
	Louis Connier	- ditto	ditto	- ditto.	
	Joseph Hamel	- grand larceny	ditto	- ditto.	
	Pierre Sans Awagoet	- ditto	ditto	- ditto.	
	Pierre Vasseur	- petty larceny	ditto	- ditto.	
	Hilaire Ayotte	- ditto	no bill	- ditto.	
	John O'Brien	- ditto	ditto	- no deposition.	
	Margaret Laing	- ditto	true bill	- deposition.	
	Antoine Montreuil	- ditto	ditto	- ditto.	
	Ditto	- ditto	ditto	- ditto.	
	Ditto	- ditto	ditto	- ditto.	
	James Dunn	- an escape	ditto	- no deposition.	
	John Strenach & al.	- riot and assault	no bill	- ditto.	
	Pierre Allam	- assault	true bill	- deposition.	
	Robert Campbell	- - assault with intent to murder.	ditto	- ditto.	
	James Mackennon & al.	- affray and assault	no bill	- no deposition	- cross bill
	Pierre Baron, alias La- frenere.	- - assault with intent to murder.	true bill	- deposition.	on the an- tecedent in- dictment.
	Adolphus Stein	- ditto	ditto	- ditto.	
	Charles Pepin	- ditto	ditto	- ditto.	
	Augustin Lazard	- ditto	ditto	- ditto.	
	Thomas Maine	- ditto	ditto	- ditto.	
	Charles Lamotte	- ditto	ditto	- ditto.	
April	John Savage & al.	- grand larceny	ditto	- ditto.	
	Michel Hamel	- petty larceny	ditto	- ditto.	
	Olivier Courteau	- ditto	ditto	- ditto.	
	Louis Houle, alias Ger- vais.	- ditto	ditto	- ditto.	
	François Cadoret & al.	- ditto	ignoramus	- ditto.	
	André Baudouen	- ditto	true bill	- ditto.	
	Marie L. Bandette & al.	- - nuisance, disorder- ly house.	ditto	- ditto.	
	Joseph Gilbert & al.	- ditto	ditto	- ditto.	
	Pierre Fortier & al.	- riot and assault	ditto	- ditto.	
	Antoine Raymond & al.	- affray	ditto	- no deposition.	
	John Ralph, sen.	- - assault with intent to murder.	ditto	- deposition	- deposition of Edward M'Cabe.
	Pierre Dehurel, alias Flammand.	- ditto	ditto	- ditto	- deposition of Joseph Gignac.
	Pierre Bergeron	- ditto	- true bill, assault only.	- ditto.	
	Frederick C. Bellerive	- ditto	true bill	- ditto.	
	Joseph Robert	- ditto	ignoramus	- ditto	- deposition of Joseph Rondeau.
	Matthew Minick	- ditto	no bill	- ditto.	
July -	François Sanschagrin	- grand larceny	true bill	- ditto.	
	Ditto	- petty larceny	ditto	- ditto.	
	Ditto	- an escape	ditto	- no deposition.	
	Pierre Marcoullier & al.	- - not obeying the or- der of a justice of the peace.	ditto	- ditto.	
	Michel Cyr	- deceit	ditto	- deposition.	
	Louis Lefebvre	- - assault upon an officer, &c.	true bill	- ditto.	
	Francis Lacharité & al.	- riot and assault	no bill	- ditto.	

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Correspondence
respecting
Mr. Chisholme.

DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
1834: Jan. -	Thomas Brewer - -	grand larceny - -	true bill -	deposition.	
	Josh. Peterson - -	petty larceny - -	ditto -	no deposition.	
	Jean B ^{te} Claumond - -	- ditto - -	no bill -	- ditto.	
	Ditto - -	- ditto - -	ditto -	- ditto.	
	François Sanschagrin & al.	- ditto - -	true bill -	- ditto.	
	Hilaire Ayotte - -	- ditto - -	ditto -	deposition.	
	John O'Sullivan - -	- ditto - -	no bill -	- ditto.	
	Aug ⁿ Le Beau - -	- ditto - -	true bill -	- ditto.	
	Josh ^h Roe, alias Mazaretti	- ditto - -	ditto -	- ditto.	
	Josh ^h Lacourse - -	- ditto - -	no bill -	- ditto.	
	Bazele Branconnier - -	grand larceny - -	true bill -	- ditto.	
	Thomas Graham - -	petty larceny - -	ditto -	- ditto.	
	Ditto - -	- - assault with intent to murder.	ditto -	- ditto.	
	Joseph Vanasse - -	- ditto - -	ditto -	no deposition -	- - convic-
	John Brown - -	- ditto - -	ditto -	deposition.	tion for as-
	Francis Lami - -	- ditto - -	ditto -	- ditto.	sault and
	William Juffs - -	- ditto - -	ditto -	- ditto.	battery.
	Ditto - -	- ditto - -	ditto -	- ditto.	- - deposi-
	Joseph Robere & al. -	- - assault on a con-	ditto -	no deposition.	tion of W.
		stable.			H. Vallières.
	Jean Lacroix - -	- - refusing to obey or-	ditto -	- ditto.	
		der of justice of peace.			
April	Joseph Noel - -	grand larceny - -	ditto -	deposition.	
	Pascal Mongrain - -	- ditto - -	ditto -	- ditto.	
	George Millette & al. -	- ditto - -	no bill -	- ditto.	
	Andrew Brown - -	- ditto - -	ditto -	- ditto.	
	Jean B ^{te} Portugais - -	- ditto - -	true bill -	- ditto.	
	Solem Thifaut - -	petty larceny - -	no bill -	- ditto.	
	Desange Jervais - -	- ditto - -	ditto -	- ditto.	
	Joseph Burgess - -	- ditto - -	true bill -	- ditto.	
	Joseph Brinnier - -	- ditto - -	no bill -	- ditto.	
	Thomas Graham - -	- - assault on an offi-	true bill -	- ditto.	
		cer, &c.			
	Roderick Neckals & al.	affray - -	ditto -	- ditto.	
	Antoine Lafontaine & al.	ditto - -	ditto -	no deposition.	
	David Henderson & al.	riot and assault -	ditto -	deposition.	
	Ant ^{ne} Raymond & al. -	- nuisance; disorderly house.	no bill -	- ditto.	
	Etienne Maitere - -	nuisance; little-go -	true bill -	no deposition -	- - confes-
	Jean Rochelau - -	- - assault with intent to murder.	- true bill; assault and battery only	deposition.	sion of judg-
					ment and fine.
	Roderick Nickals - -	- ditto - -	ditto -	- ditto.	
	Louis M. Seneschal - -	- ditto - -	ditto -	- ditto.	
July -	Jean B ^{te} Deloune - -	petty larceny - -	true bill -	- ditto.	
	Pierre Gouin - -	- ditto - -	no bill -	- ditto.	
	Cha ^s Gerard & al. - -	- nuisance; disorderly house.	true bill -	- ditto.	
	William M ^c Kenstry & al.	- - nuisance; stopping up a road.	ditto -	no deposition	- - <i>viva voce</i> of a public officer, con-
	Henry Dunnan - -	- ditto - -	ditto -	- ditto	viction.
					- - ditto; pleads guilty to abate.
	William Kent - -	- ditto - -	ditto -	- ditto	- - convic-
	Francis Carrier & al. -	- nuisance; disorderly house.	no bill -	deposition.	tion & fine, and to abate in eight days.
	Francis Gingras - -	- - nuisance; barring a navigable river.	true bill -	no deposition.	
	Pierre Gerard & al. -	a contempt - -	ditto -	deposition.	
	Jacques Naud & al. -	affray - -	ditto -	- ditto.	
	Francis Aulee & al. -	ditto - -	ditto -	no deposition.	
	Joseph Robere & al. -	riot and assault -	- true bill, for assault and battery only.	deposition.	
	Isidore Grammond - -	- - assault with intent to murder.	no bill -	- ditto	- - deposition of Chas. O. Baudreau.
	Antoine Hebert - -	- ditto - -	- true bill, for assault and battery only.	- ditto.	

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Correspondence
respecting
Mr. Chisholme.

DATE.	NAME.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
1834: Oct. -	Joseph Noel - -	petty larceny - -	true bill -	deposition.	
	Jean B ^{te} Lacerte - -	- ditto - -	no bill -	- ditto.	
	Charles Wallace - -	- ditto - -	true bill -	- ditto.	
	Etienne Guillemain - -	- ditto - -	ignoramus -	- ditto.	
	Joseph Peterson - -	- ditto - -	no bill -	- ditto.	
	Pierre Charbonneau - -	- ditto - -	true bill -	- ditto.	
	Charles Vallières - -	- ditto - -	ditto -	- ditto.	
	Ditto - -	deceit and fraud -	ditto -	- ditto.	
	Marie Gagnon - -	breaking windows -	ditto -	- ditto.	
	Charles Dennis - -	- ditto - -	ditto -	- ditto.	
	John Cole - -	- ditto - -	ditto -	- ditto.	
	Arthur Michan - -	- ditto - -	ditto -	- ditto.	
	Hilaire Ayotte - -	- ditto - -	ditto -	- ditto.	
	Margaret Douillette - -	- soliciting and in- citing to commit fe- lony.	ditto -	- ditto.	
	Arthur Michan - -	indecenty - -	ditto -	- ditto.	
	Michel Giroux - -	assault on an officer -	ditto -	- ditto.	
	Pierre Dehurel, alias Flammand.	- ditto - -	no bill -	- ditto.	
	Benjamin Vadeboncœur -	- ditto - -	true bill -	- ditto.	
	Ant ^{ne} Quintal & al. - -	nuisance - -	ditto -	no deposition -	conviction.
	Char ^{te} Lef. Baulac - -	- ditto - -	ditto -	deposition.	
	Jean Fr ^s Belouin - -	- ditto - -	ditto -	no deposition -	- - <i>viva voce</i> information of road commis- sioner, who is also a member of the House of Assembly.
	Joseph Robere & al. -	affray - -	ditto -	- ditto -	conviction.
	Benj ^a Vadeboncœur - -	affray and assault -	ditto -	- ditto.	
	John Johnston & al. -	affray and assault -	ditto -	deposition.	
	Octave Lottinville & al.	- ditto - -	- ditto, for assault and battery only	- ditto.	
	Hilaire Ayotte & al. -	- ditto - -	- ditto, against one defendant.	- ditto.	
	James Lafrance & al. -	- ditto - -	ditto -	- ditto.	
	Charles Gardieppi - -	- - assault with intent to murder.	- ditto, for assault and battery only	- ditto.	
	David Thibaudeau - -	- ditto - -	ditto -	no deposition.	
	Marie Poirrier - -	- ditto - -	no bill -	deposition -	- deposition of David Thibaudeau.
	Peter Plunket - -	- ditto - -	- true bill; assault and battery only	- ditto -	- - ditto of H. Mahon.
	Michel Boivin - -	- ditto - -	ditto -	- ditto.	
	Généviève Bouillard -	- ditto - -	ditto -	- ditto.	
	Joseph Roberre - -	- ditto - -	ditto -	- ditto.	
	Michel Mulhollan - -	- ditto - -	ditto -	- ditto.	
	Joseph Gouin & al. -	riot and assault -	ditto -	- ditto.	
	Gabriel Proux - -	nuisance - -	true bill -	no deposition.	
April	James Baudon La Rivière	- - assault with intent to murder.	- - ditto; assault and battery only	deposition -	- deposition of Hilaire Richas.
1835: Jan. -	Charles Denny - -	petty larceny - -	true bill -	no deposition.	
	Hubert Munier, alias Lagrassé.	- ditto - -	ditto -	deposition.	
	Pierre Jean Roy - -	- ditto - -	no bill -	- ditto.	
	James Crawford - -	- ditto - -	ditto -	- ditto.	
	Louis Tirie & al. - -	- - soliciting to com- mit felony.	ignoramus -	- ditto.	
	Jean Cadore & al. - -	- - assault upon an officer.	true bill -	- ditto.	
	Pierre Dehurel, alias Hammand.	- ditto - -	no bill -	- ditto.	
	Francis Martin & al. -	riot - -	ignoramus -	no deposition.	
	Louis A. Ducheny & al.	ditto - -	true bill -	deposition.	
	Ditto - -	nuisance - -	ditto -	- ditto.	
	Jean Cadoret & al. -	affray - -	no bill -	no deposition.	

CHARGES AGAINST MR. CHISHOLME.

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respecting
Mr. Chisholme.

DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
1835: Jan. -	Placide Gaillarde & al.	affray and assault -	- true bill, assault and battery; one de- fendant.	no deposition.	
	Felix Parmentier -	-- assault with intent to murder.	ignoramus	deposition.	
	Elie St. Hilaire -	- ditto -	no bill -	- ditto.	
	Antoine Normandin -	breaking a door -	ditto -	no deposition.	
April	Jean B. Beaudry -	- soliciting and inciting to commit felony.	ditto -	deposition.	
	Ditto -	receiving stolen money	ditto -	- ditto.	
	James Crawford, jun. and Jean B. Beaudry, accessary before fact.	petty larceny -	ditto -	- ditto.	
	Ditto - ditto, after the fact.	- ditto -	ditto -	- ditto.	
	Pierre Denis -	grand larceny -	ditto -	- ditto.	
	David Decoteau -	petty larceny -	true bill -	- ditto.	
	Louis Baudry -	nuisance -	ditto -	- ditto.	
	Ditto, second -	- ditto -	ditto -	- ditto.	
	Abraham Tregon -	- ditto -	ditto -	- ditto.	
	James Crawford, sen. -	- ditto -	no bill -	- ditto.	
	Josephite Dufresne & al.	- ditto -	ditto -	- ditto.	
	Moses Hart -	- ditto -	true bill -	- ditto.	
	Pierre Gauthier & al. -	- ditto -	no bill -	-	
	Jean Terron & al. -	affray -	true bill -	no deposition.	
	Thelesphore Leclaire -	nuisance -	ditto -	- ditto.	
	Louis St. Antoine & al.	assault on an officer -	no bill -	deposition.	
	Ditto -	riot and assault -	ditto -	- ditto.	
	Alexis Le Blanc -	-- refusing to serve as constable.	true bill -	no deposition.	
	Josephite Robere -	breaking windows -	ditto -	deposition.	
	Mary Cairns -	- ditto -	ditto -	- ditto.	
	Gilbert Lemai, alias Pondner.	breaking a door, &c.	ignoramus	- ditto.	
	D. F. Sulte, alias Vade- boncœur.	- ditto -	ditto -	- ditto.	
	Ditto ¹ -	-- assault with intent to murder.	ditto -	- ditto.	
	Louis Proulx -	- ditto -	true bill -	- ditto.	
	André Boudouin -	- ditto -	ditto -	- ditto.	
	Jean B. Negageois -	- ditto -	ditto -	- ditto.	
	Louise Daniel -	- ditto -	ditto -	- ditto.	
July -	Jean B. Twierge & al. -	petty larceny -	ditto -	- ditto.	
	Thomas M ^c Guire -	grand larceny -	no bill -	- ditto.	
	Ditto -	petty larceny -	true bill -	- ditto.	
	John Slack & al. -	grand larceny -	no bill -	- ditto.	
	Ditto -	petty larceny -	ditto -	- ditto.	
	Gabriel Proulx -	- ditto -	ditto -	- ditto.	
	Marianne Dumas -	-- assault with intent to murder.	- true bill, simple as- sault.	- ditto.	
	Louis Lachance -	- ditto -	true bill -	- ditto.	
	Francis Kelly -	- ditto -	ditto -	- ditto.	
	François Noel -	- ditto -	ditto -	- ditto.	
	Luc Vincent -	- ditto -	ignoramus	- ditto.	
	Alexis Rousseau -	- ditto -	true bill -	- ditto.	
	Pierre Gageant, alias Laflew.	- ditto -	no bill -	- ditto	- deposition of Ezekiel Hart.
	François Larose -	- ditto -	- true bill, simple as- sault.	- ditto.	
	Charles Burk -	- ditto -	no bill -	- ditto.	
	Esther Pozer & al. -	nuisance -	ditto -	- ditto.	
	Marie Baril -	- ditto -	ditto -	- ditto.	
	Thomas Coghlan & al. -	- ditto -	ditto -	- ditto.	
	Ditto -	indecentcy -	ditto -	- ditto.	
	Mary O'Connor -	breaking windows -	ignoramus	- ditto.	
	Michel Gailloux -	- ditto -	no bill -	- ditto.	
	John M ^c Laren -	- ditto -	true bill -	- ditto.	
	Joseph Robere -	- ditto and doors -	ditto -	- ditto.	
	Olivier Chartier -	grand larceny -	ditto -	- ditto.	

Correspondence
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DATE.	NAMES.	OFFENCES.	Finding of the Grand Jury.	Whether a Deposition or not.	Remarks.
1835: July -	Augustin Houle & al. -	grand larceny -	true bill -	deposition.	
	Thomas Coghlan -	- ditto -	ditto -	- ditto.	
	Abraham Boucher -	- ditto -	ditto -	- ditto.	
	Ditto, second -	- ditto -	ditto -	- ditto.	
	André Decaraffe -	- ditto -	ditto -	- ditto.	
	Amable Cadoret -	petty larceny -	ditto -	- ditto.	
	Richard Clarke & al. -	- ditto -	ditto -	- ditto.	
	Marie Bernard -	- ditto -	ditto -	- ditto.	
	Helen Coté -	- ditto -	ignoramus -	- ditto.	
	Elie St. Hilaire -	- ditto -	true bill -	- ditto.	
	Fras. Cloutier -	- ditto -	ditto -	- ditto.	
	Michel Gailloux -	- ditto -	ignoramus -	- ditto.	
	Jos. M. Janvier -	- ditto -	ditto -	- ditto.	
	Hypolite Simard -	- ditto -	no bill -	- ditto.	
	Joseph Turcot -	grand larceny -	true bill -	- ditto.	
	Ditto -	extortion -	ditto -	- ditto.	
	Ditto -	- ditto -	ditto -	- ditto.	
	Ditto -	- ditto -	ditto -	- ditto.	
	Thomas Graham -	indeceney -	ditto -	- ditto.	
	Olivier Mailloux & al. -	nuisance -	ditto -	- ditto.	
	François Lacroix & al. -	riot and assault -	no bill -	- ditto.	
	Pierre Tessier & al. -	- ditto -	true bill -	- ditto.	
	Charles Lallemand -	assault -	ditto -	- ditto.	
	Joseph Parant -	breaking windows -	no bill -	- ditto.	
Oct.	Edward Rancour -	- - assault with intent to murder.	true bill -	- ditto.	
	Benjamin Blanchette & al. -	- ditto -	ditto -	- ditto.	
	Jos. Craig -	- - assault on a justice of peace.	ditto -	- ditto.	
	Louis Baulac & al. -	affray -	ditto -	- ditto.	
	Jacques R. Baby & al. -	riot, &c. -	ditto -	- ditto.	
	Marie Racine & al. -	affray and assault -	no bill -	- ditto.	
	Charles Aubry -	- - assault with intent to murder.	ditto -	- ditto.	

John Campbell Fearon, of the town of Three Rivers, being duly sworn upon the Holy Evangelists, deposeth and saith, that the foregoing was compiled by him from the documents existing in the office of the clerk of the peace, from the district of Three Rivers, at his, the deponent's, own home; that the said documents were sent and confided to him for that purpose by David Chisholme, esq., clerk of the peace, without giving him, the said deponent, any instructions or dictation whatsoever as to the said compilation, further than the form ruled blank in which to draw it; and that the said compilation was made solely by this deponent without any assistance from any other person whatsoever, and without any further communication on the subject from the said David Chisholme, from the time of its commencement until the whole was finally completed, except some additions in the column of remarks, all at his own home as aforesaid; and further, that the same is a just and true statement of the aforesaid documents, as here classed and distributed, in the above enumeration or recital of them, as will most clearly appear by reference thereto, or to any part of them whatsoever; and further this deponent saith not, and he signed.

(signed) *John C. Fearon.*

Sworn before me at Three Rivers this Saturday, the 26th day of March 1836.

(signed) *James Dickson, J. P.*

(B.)

District of Three Rivers.

John Campbell Fearon, of the town of Three Rivers, interpreter to His Majesty's courts holding criminal pleas in the said district, after being duly sworn upon the Holy Evangelists, deposeth and saith, that he quitted the service of David Chisholme, esq., clerk of the peace in and for the said district, on the 27th day of July 1830, up to which period he, the deponent, had served under the said David Chisholme, esq., as clerk in the peace office in the town of Three Rivers, from the time of Mr. Chisholme having assumed the duties of clerk of the peace; that subsequent to the said 27th day of July this deponent hath been some-
times,

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Mr. Chisholme.

times, though very rarely, employed by the said David Chisholme, esq., to write for him, but never, to the best of the deponent's recollection, in the police or peace office, except twice; on one of the occasions to take a deposition concerning an alleged nuisance; and on the other, to translate a fiat for a prosecution in the weekly court from French into English; that on every other occasion that he, the deponent, hath been employed since then, the said 27th day of July, by the said David Chisholme, esq., the same was either in translating or in copying documents existing and of record previous to their being placed in the deponent's hands for that purpose, with the exception of two lists compiled by the deponent for him the said David Chisholme, esq.; one being a "list of the indictments laid before the grand jury at the court of general quarter sessions of the peace holden at Three Rivers during the years 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834 and 1835, distinguishing the offences;" and the other, a list of indictments laid before the grand jury from 1827 to 1835 inclusive, in which is specified the several findings of the said grand jury, and whether the said indictment were laid on deposition or not: further the deponent saith, that the said David Chisholme, esq., never did exercise any control or influence over this deponent in his, the deponent's, capacity of interpreter of His Majesty's said courts, either before the said courts, or when sent by them before the grand jury of the said district; but that this deponent hath always, under the orders of the said courts, endeavoured, to the best of his, the deponent's, understanding, to discharge his duties as said interpreter conscientiously and independently of any person or persons, or circumstances; and further this deponent saith not; and he signed.

(signed) John C. Fearon.

Sworn before me at Three Rivers this 11th day of March 1836.

(signed) James Dickson, J. P.

(C.)

LIST of DEPOSITIONS for Assault and Battery in the Peace-office at *Three Rivers*, whereon no Proceedings have been had during the Years 1831 to 1835, both inclusively.

DATE.	NAMES.	OFFENCE.	DATE.	NAMES.	OFFENCE.
1831:			1832:		
Jan. -	Jean Bap ^{te} Gauthier -	assault and battery.	July -	Adolphus Steir -	assault and battery.
	Pierre Paradis -			Augustin Bellegarde -	
	Alexis Latreille -		August	Thomas Dickson -	
	Marie Paradis -			Bonaventure Bijot -	
	Pierre Marie Paradis -			Joseph Paterson -	
Feb. -	Pierre Roi -			Alexander Dunnan -	
	Iaie Bernard -		Sept.	François Genery -	
March	Isidore Bernard -		Dec. -	François Blanchette -	
	Hubert Heroux -			Alexis Latreille -	
	Etienne Duval -				
May -	Jean. Bap ^{te} Boisvertal -	assault and battery.	1833:		
	Gamelin Gaucher -		Feb. -	Alexis Latreille -	assault and battery.
	Hubart Duplessis -		March	John M ^c Kay -	
June -	Pontiff Lafontaine -		April	Jean Ferron -	
July -	Francis St. Cyr -		May -	Louis E. Dubord -	
	Michel Gailloux -			George Boisvert -	
	Louis Nolin -		July -	Margaret Burns -	
	Gabriel Proulx -		August	Honoré Verboncœur -	
	William Rogin -			Marguerite Lauzière -	
August	Savotte Rouillard -			Joseph Golin -	
	Flavien Vadeboncœur -	-- assault to murder.		François Lamotte -	-- assault to murder.
	Thomas Barrow -		Sept.	Benjamin Turner -	
	Denis Labarre -			John, alias William Jones -	
	Antoine Deselets -			Louis Peccotten -	
Sept.	Lubin Rosseau -				
Oct. -	Joseph Gouin -		Oct. -	Maurice Montour -	
Nov. -	Jean Richard Cook -			Pierre Lamotte -	
Dec. -	Antoine Pelleau -			James Crawford -	
	Alexis Lemoine -			Charles Pepin -	
	Louis Decoteau -				
1832:			1834:		
Feb. -	Joseph Brock -	assault and battery.	Jan. -	Raphael Faucault -	assault and battery.
March	Charles Gobeille -		May -	Joseph Labarre -	
	David Liroux -		June	François Gingras -	
	Pierre Piette -			Charles A. Breneque -	
April	John R. Cook -		July -	Hubert Lickman -	
	Jean B ^{te} Hamel -			Marie Lemire -	
May -	Louis Lefebvre -			Joseph Robere -	
June -	William Jones -			Charles Chapman -	
				Joseph Lacroix -	
				Jean Boudreau -	
				Michel Lambert -	

(continued)

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respecting
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DATE.	NAMES.	OFFENCE.
1835:		
January -	Leandre Loulard - - - -	assault & battery.
	Joseph Robere - - - -	
	Antoine Fontaine - - - -	
	Elie St. Hilaire - - - -	
February -	François Fancault - - - -	
April - -	Pierre Bellan - - - -	
	Louise Lamerande - - - -	
May - -	Marie O'Connor - - - -	
	Antoine Dedorier - - - -	
June - -	John Harkins - - - -	
July - -	Olivier Rouillard - - - -	
August -	Adol. Wolpan - - - -	
	Ignace Pinard - - - -	
September -	Will. Muir - - - -	
	Zepherin Dewal - - - -	
	Joseph L. Pinard - - - -	

John Campbell Fearon, of the town of Three Rivers, after being duly sworn on the Holy Evangelists, deposeth and saith, that the foregoing list or enumeration was compiled by him at his own house, without the assistance of any other person, from documents existing in the office of the clerk of the peace in the said town, which were confided to him by David Chisholme, esq., clerk of the peace for the district of Three Rivers, for that purpose; and that the same is a just and true statement of the same to the best of his, the deponent's, knowledge and belief; it being, however, premised, that there is not included therein an equal or greater number of depositions for single assault or breach of the peace, and other misdemeanors of a minor nature than assault and battery; and further deponent saith not; and he signed.

(signed) *John C. Fearon.*

Sworn before me at Three Rivers this 26th day of March 1836.

(signed) *James Dickson, J. P.*

(D.)

Sir,

Three Rivers, 8 March 1836.

WE, the undersigned magistrates for the district and town of Three Rivers, having understood that certain charges have been made against you, as clerk of the peace for this district, by the honourable the House of Assembly, we feel ourselves called upon at this moment to testify, that we have been acquainted with you, as clerk of the peace for this district, nearly 10 years, and that we never knew or heard of any complaint against you; but, on the contrary, that your conduct as a gentleman and as clerk of the peace has always appeared to us as deserving of the highest praise; and we beg, therefore, that you will accept of this tribute of our approbation and respect, as coming from the magistrates who have had every opportunity of knowing and appreciating your talents and integrity as clerk of the peace for the district of Three Rivers. You will, therefore, make such use of this in your defence as you may think proper.

We are, &c.

(signed) *René Kimber, J. P.*
S. Grant, J. P.
James Dickson, J. P.
Henry F. Hughes, J. P.
E. Mayrand, J. P.

David Chisholme, Esq.

— No. 2. —

COPY of a DESPATCH from Lord Glenelg to the Earl of Gosford.

My Lord,

Downing-street, 29 November 1836.

I HAVE had the honour to receive your despatch of the 12th August last, No. 92, enclosing the report of a committee of the House of Assembly of Lower Canada, on the conduct of Mr. Chisholme, the clerk of the peace for the district of Three Rivers, together with the resolutions of the Assembly adopting that report, and the answer of Mr. Chisholme to the charges brought against him. I need not assure your Lordship that these documents have commanded my attentive consideration.

The

The principal charges brought against Mr. Chisholme by the report of the committee are two: First, that he has been in the habit of framing indictments on verbal information not given under the sanction of an oath; and, secondly, that with the corrupt motive of increasing his fees he has during the last five years continually inserted in indictments for assault a count charging the offence to have been committed "with intent to murder." There are other minor allegations in the report, but the two which I have stated appear to constitute the basis of the address presented to your Lordship by the Assembly, praying for Mr. Chisholme's removal from all offices under the Crown. I proceed to inform you of the views which, after an attentive perusal of your despatch and its enclosures, I have been led to adopt respecting Mr. Chisholme's conduct.

With respect to the first charge, it is to be observed, that Mr. Chisholme does not deny, but, on the contrary, distinctly admits that since November 1826, when he was appointed clerk of the peace, he has been in the habit of occasionally framing indictments on verbal information alone without any written deposition, and that the number of indictments so framed has been 83. He endeavours, however, to justify the practice, on the ground that it is not prohibited by law; that of the indictments sent up to the grand jury, 70 were found by them to be "true bills," while the remaining 13 were preferred at the suit of constables or other public officers of credibility; that in most instances those officers were themselves the parties aggrieved, and that it has been only during the hurry and confusion of the sessions that verbal informations have been received and laid before the grand jury in the form of indictments, without the previous formality of a written deposition. Mr. Chisholme further states that by this course a sum of 20s. was in each case saved to the province, a large proportion of which would otherwise have been payable to himself as clerk of the peace.

On referring to the documents which accompany your despatch, I do not find any contradiction of this defence. It is nowhere asserted that the framing of indictments on verbal information only is contrary to law, although it appears to be considered that as a practice it is undoubtedly irregular. The Attorney-general indeed, while stating that, except in particular circumstances, he should not feel justified in adopting such a course, specially excludes from this exception all minor cases, such as those for assault. He does not, however, allege that even in those cases the proceeding would be actually illegal.

Adverting, therefore, to all the circumstances, and having especial reference to the fact that Mr. Chisholme had not received a legal education, and might therefore be probably unacquainted with the general practice in such matters, I feel bound to express my opinion that, as far as this charge is concerned, there is not sufficient ground for imputing to him an improper design; and assuming (as in the absence of any contradiction from your Lordship or the law officers, I am bound to do,) the correctness of his statement in regard to the consequent diminution of his fees, I cannot hesitate to acquit him of any corrupt or sordid motive for his conduct. At the same time it is impossible to deny that the practice of framing indictments on verbal information, not attested by an oath, must lead to inconvenience, and may probably involve much injustice. The vague and often exaggerated terms in which complaints are made, more especially in cases of personal violence, where the complainant is smarting under the irritation of the moment, will often cause the exhibition of charges far more serious than the facts will warrant. The necessity of reducing those charges to writing, and of deposing on oath to their truth, naturally induces a greater caution and accuracy in the complainant. That a power should exist of occasionally dispensing with this practice may perhaps be necessary to the speedy execution of the law in extreme cases, but it is for those extreme cases alone that it ought to be reserved. You will therefore convey to Mr. Chisholme a strict injunction as to his future conduct in the preparation of indictments; and if you should see any reason to believe that, contrary to the opinion expressed in the report of the committee, any irregularity on this point exists in other parts of the province, you will take the necessary steps for causing it to be discontinued.

I now proceed to the second charge brought against Mr. Chisholme. This charge is in substance, that during the last five years Mr. Chisholme, in preparing indictments for common assaults, has been in the habit of adding a count, stating the assault to have been "with intent to murder," for the purpose of increasing his fees, and at the same time of making them chargeable not on the private prosecutor, but on the public. I need scarcely observe that this statement, as involving

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an accusation of pecuniary corruption against Mr. Chisholme, is of a much more serious character than that to which I have above alluded. I proceed to advert to the facts by which it is supported.

It appears from the evidence and returns delivered to the committee of the Assembly, that although during the four years from 1827 to 1831, only five indictments had been preferred for assault with intent to murder, no less than 84 such indictments were sent up during the five succeeding years; that of the persons brought to trial on such indictments during the latter period only six were found guilty of assault with intent to murder, while 27 were convicted of simple assault; that in several of the depositions produced to the committee there was nothing to justify the second count; and that Mr. Chisholme, while vindicating the insertion of that count on the ground of verbal information given to him at the time, was unable to specify any particular instance in which he had received such information, or any party by whom it had been given.

Such are the circumstances on which the charge is founded. The principal fact, viz., the insertion of the second count in cases where the deposition did not justify its allegations, is not denied by Mr. Chisholme. In his evidence before the committee he endeavours, as has been already stated, to justify it on the plea of verbal information received at the time. In his memorial to your Lordship, he dismisses it without any comment, "referring for his exculpation to the preceding pages, in which he asserts that he has already made his defence" with respect to this particular subject. I am compelled to state that this appears to me an unsatisfactory way of meeting the charge. The preceding part of Mr. Chisholme's voluminous defence had, with the exception of a single sentence, referred exclusively to the charge of framing indictments without any deposition at all, not to that of aggravating in the indictment the offence laid in the deposition. Now, of the 84 indictments for assault with intent to murder, preferred between 1831 and 1835, only five appear to have been framed without a previous deposition on oath. Mr. Chisholme, however, may perhaps mean to assert that in vindication of the practice of framing indictments without depositions, is included his exculpation for inserting in an indictment, partly framed from regular depositions, counts grounded on verbal information. But if this be his meaning, it is evident that the most important points of his defence on the former charge are inapplicable to the latter, inasmuch as he can neither assert that it had been in consequence of the hurry and confusion of the sessions that such counts have been irregularly inserted, nor can he show that his pecuniary interests were not benefited by the practice. On this point, therefore, Mr. Chisholme's defence is imperfect. It remains to be considered whether that portion of the report of the committee which directly imputes to him a sordid motive for his conduct is sufficiently established by the facts stated.

To this charge Mr. Chisholme has opposed his unqualified and most emphatic denial, and has appealed to the whole course of his life in disproof of it. He has also transmitted a letter addressed to him by five of the magistrates for the district of Three Rivers, expressing their approbation of his conduct since he has held the office of clerk of the peace. It is impossible to deny the weight of this testimony, or altogether to disregard the earnestness of Mr. Chisholme's asseveration. Nor can the fact be overlooked, that although but few convictions for the whole charge ensued on trial, yet out of the 84 indictments sent up to the grand jury, 47 appear to have been found by them to be "true bills." Considering, therefore, the smallness of the pecuniary advantage which it would have been possible in any case for Mr. Chisholme to derive from such a source, and adverting to the disinterested although erroneous practice which he appears to have pursued in regard to other indictments, I do not feel justified in assuming that his conduct in this matter, however ill-judged, was actuated by the sordid and corrupt motive attributed to him by the Assembly. The extraordinary increase in the number of indictments for assault with intent to murder may perhaps be in some measure attributable to a fact alluded to in the examination before the committee, viz., that by a decision of the legal tribunals in 1831, the costs in all cases of simple assault had been devolved on the complainants. It is probable that in order to avoid these costs, complainants, when not required to depose on oath, may have purposely exaggerated the nature of their complaints. This explanation, indeed, while it would relieve Mr. Chisholme from the more disgraceful part of the charge, would but evince more clearly the inconvenience of the irregular practice which he has followed. That his conduct as a public officer has been in this respect deficient in due caution and discretion seems

seems to me undeniable; but after weighing with the utmost deliberation the facts laid before me, I am compelled to state that they are not in my opinion sufficient to justify me in affixing on him the stigma of having abused his authority from mercenary motives. As your Lordship had not suspended Mr. Chisholme from his office pending the reference of his case to His Majesty's Government, I presume that in this opinion you concur. Under these circumstances, the House of Assembly of Lower Canada will, I trust, acquiesce in the reasons which have prevented me from advising His Majesty to accede to the prayer of their address for Mr. Chisholme's removal.

Having thus noticed the charges brought forward against Mr. Chisholme, I should have been anxious here to conclude my despatch; but I cannot pass over without notice the tone and substance of his defence. I need not remind you that it has ever been His Majesty's anxious wish, not only in his own communications to the Assembly of Lower Canada, to evince towards them a courteous and respectful attention, but to enforce a similar line of conduct on all his servants in the province, of whatever degree. His Majesty's commands to this effect have been repeatedly expressed, and must have been well known to Mr. Chisholme. I have, therefore, seen with sincere regret that in his memorial to your Lordship Mr. Chisholme has entirely lost sight of his duty in this respect. After making every allowance for the irritation under which he might probably be labouring, it is impossible to deny that there are many portions of that memorial which are quite indefensible. It contains passages altogether irrelevant to the matters in question, and introduced apparently for the single purpose of giving occasion to arguments and opinions disrespectful to the House of Assembly, and offensive to all classes of His Majesty's Canadian subjects of French origin; while denying the authority of the Assembly to inquire into his conduct, he has permitted himself to indulge in sarcasms ill-suited to the occasion, and in imputations on the members of the committee not warranted by the facts. You will convey to Mr. Chisholme the expression of His Majesty's strong disapprobation of his conduct in this respect, and you will apprise him that if hereafter any repetition of such conduct should be brought to my notice, I shall feel it my duty to recommend His Majesty forthwith to remove him from the public service. If I have not taken that step on the present occasion, it is because I am unwilling to visit with extreme severity an offence attributable perhaps to momentary irritation, and because I feel confident that Mr. Chisholme will not hesitate to make the fullest acknowledgment of the error into which he has fallen, and on which I have felt it my duty so strongly to animadvert.

Should he deliberately adhere to the sentiments expressed in the memorial of the nature to which I have adverted, I could not fail to consider such conduct as evidence of an habitual spirit and temper wholly incompatible with the tenure of any office of trust and responsibility under the Crown.

I have, &c.
(signed) *Glenelg.*

— No. 3. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord, Castle of St. Lewis, Quebec, 31 October 1836.

IT will be in your recollection that Mr. Chisholme, the clerk of the peace and coroner for the district of Three Rivers, stands accused by the House of Assembly of malversation in the discharge of the duties connected with the first mentioned of those offices; and that in my despatch of the 12th of August last, I transmitted the whole of his case for the decision of His Majesty. Circumstances have recently transpired respecting this gentleman, which made it incumbent on me at once to remove him from all offices that he held under Government; and thus, should the step I have taken be approved, the consideration of the former accusations against him may become unnecessary.

Mr. Daly, the provincial secretary, is charged by law with the annual issue of shop and tavern licences, and the fee of 4*l.*, payable upon each, forms part of the public revenue. For the greater convenience of traders, Mr. Daly appoints, in different parts of the province, agents, to whom he entrusts a certain quantity of licences for distribution within their neighbourhood, and they are required to make periodical returns of the number they may issue, and to account to him for all monies

Correspondence
respecting
Mr. Chisholme.

received in return. Mr. Chisholme was the person selected to act in this capacity for the district of Three Rivers, and was allowed as a remuneration for his trouble a fee of 2*s.* 6*d.* upon each licence he issued. In the month of January 1836, Mr. Daly, for reasons not within my knowledge, ceased to employ Mr. Chisholme, and their accounts were balanced and closed up to that period, without anything appearing to raise suspicion against the integrity of Mr. Chisholme's conduct as agent. In the course of the last month, however, Mr. Daly received information which led him to believe that Mr. Chisholme had in several instances received money from individuals for licences which were never issued, and that he had omitted to include the purchasers in his periodical lists of persons licensed, and to account for the price of such licences.

On this being officially reported to me by the provincial secretary, I lost no time in directing him to proceed immediately to Three Rivers, and with Mr. Vezina, His Majesty's senior counsel there, to inquire on the spot whether there was any foundation for this grave charge against the character of a public officer; and they were instructed to afford to Mr. Chisholme an opportunity of making any explanations in his power, and to allow him access to the evidence they might obtain. Mr. Chisholme was at the same time informed of the allegation against him, and of the course that had been decided on, and was directed to offer to the investigation every facility in his power. The result of this proceeding is contained in Enclosure, No. 11, from which your Lordship will perceive that many cases were disclosed, in which Mr. Chisholme appears to have acted in a manner that, unless satisfactorily cleared up, would render it impossible that he should be retained in the public service. As, however, he stated that he was too ill to attend during the inquiry, I forwarded to him all the information that had been collected by Messrs. Daly and Vezina, in order that he might vindicate himself if possible, and adduce such counter-evidence as he might think fit.

Enclosure, No. 11, also contains the certificates and observations that he has submitted in explanation of the several cases brought under my consideration; but so far from establishing his innocence, they confirm, in my opinion, the charge made against him of having defrauded the public revenue. Under this impression, I have dismissed Mr. Chisholme from his situations of clerk of the peace and coroner for the district; and now transmit all the documents (12 in number) relating to this case, that your Lordship may be in possession of the information necessary for judging whether I have arrived at a just conclusion in this matter. I should not omit to mention that Mr. Chisholme, although he had consented to appear before Messrs. Daly and Vezina, and even made an excuse for his non-attendance on account of illness, yet towards the close of the inquiry sent in a written protest against the whole of the proceedings. He subsequently, however, requested permission to withdraw this document.

I have, &c.
(signed) *Gosford.*

Enclosures in No. 3.

Enclosure 1, in No. 3.

Sir,

Three Rivers, 9th September 1836.

A REPRESENTATION having been recently made to me that persons have been in the habit of paying for licences to my late agent for this district, which licences were never delivered to them, although repeatedly demanded, I feel myself under the necessity of applying to you, and requesting you will have the goodness to afford me such information on the subject as you may have acquired in the discharge of your duty since the period of your appointment as my agent.

René Kimber, Esq.

I have, &c.
(signed) *D. Daly.*

Monsieur,

Trois Rivières, 11 Septembre 1836.

EN réponse à votre lettre du 9 du courant, j'ai l'honneur de vous transmettre les noms des personnes qui en prenant chez moi des licences de marchand ou d'aubergiste, m'ont déclaré qu'ils n'avaient pas toujours eu de licences, et qu'ils n'avaient même pas pu en avoir quoiqu'ils les eussent demandées et payées. Ils payent le montant à Mr. Chisholme et obtenaient seulement un certificat du paiement. Quelques uns m'ont dit qu'ils avaient insisté pour avoir leur licences, mais que Mr. Chisholme leur disoit qu'il n'avait plus de licences, et qu'il les enverroir lorsqu'il en auroit reçu de Quebec. Je suis avec considération,

Monsieur, votre très humble, etc.

D. Daly, Ecuyer, &c. &c.

(signé) *René Kimber.*

No. 11.

12 Enclosures.

See No. 6; 22 September 1836.

See No. 8; 28 September 1836.

CHARGES AGAINST MR. CHISHOLME.

65

Marchand :		Auberge :		Correspondence respecting Mr. Chisholme.
Narcisse Davaille	-	Pointe du Sac.	M. L. Gauselin	- - - ditto.
Charles Giroux	-	Nicolet.	Jean Terreau	- - - ditto.
Lutin Rousseau	-	St. Pierre.	Bazile Lupin	- - - Becancour.
Pierre Deveau	-	Trois Rivières.	Louis Diselet	- - - ditto.
Joseph Prena	-	St. Gregoire.	J. B. Lauranger	- - - Rivière du Loup.
Aug. St. Louis	-	Machiete.	Elie Dumaril	- - - ditto.
Guill. Crepeaud	-	Sablée.	Jos. Rocheleau	- - - Cap la Magdeleine.
Pierre Belean	-	Trois Rivières.	Jos. Rivard, dit Lavigne	- - - Gentilly.
— Rouelle	-	St. François.	J. B. Gaultier	- - - Pointe du Sac.
John Boutisten	-	Trois Rivières.	Fr. Bellerive	- - - Champlain.
Auberge :		Michel Gerend	- - - Gentilly.	
J. B. Martel	-	Becancour.	Joseph Gin	- - - Trois Rivières.
Veuve Maurissette	-	Trois Rivières.	Pierre Ayotte	- - - ditto.
Veuve Ritter	-	- ditto.	Ant. Hamel	- - - ditto.
Michel Girard	-	- ditto.	Agatti Fortin	- - - ditto.
			Jos. Girouard	- - - Gentilly.

Sir,

Three Rivers, 9 September 1836.

MR. DUBORD, of Champlain, having recently called at my office, and having exhibited to me your receipt for the sum of 4*l.* 7*s.* 6*d.* which he paid to you for a shop licence to be afterwards delivered to him, and which he has not since received, although he demanded it, and not finding his name included in the list of licences furnished to me by you last winter, I am under the necessity of requesting some explanation on the subject. It is also necessary I should add, that it has been alleged that several other individuals have received similar receipts from you, without at any subsequent date having been able to obtain their licences; an allegation the truth of which, I need not assure you, I trust it will be in your power to deny, but upon which I am also compelled to demand explanation, and hope to be favoured with your reply at your earliest convenience.

D. Chisholme, Esq., Three Rivers.

I have, &c.
(signed) D. Daly.

Sir,

Three Rivers, 10 September 1836.

I HAVE received your letter of yesterday, and, in reply, beg leave to state to you, that agreeable to your written permission, I have frequently given receipts for monies deposited with me for licences, before the receipt of them from Quebec, as well as when I ran out of them. I am prepared to show that the same practice was pursued by my predecessor, your present agent here, Mr. Kimber. By this means it is very probable that when licences were called for, I did not take the precaution of exchanging the licences for the receipts, and that in some few instances the licences themselves may not have been called for. But permit me to deny in the most positive and unequivocal terms, that I have ever declined or refused to deliver a licence when demanded, either to Mr. Dubord or to any other person. For some years Mr. Dubord was in the habit of informing me that Mr. James Bell would take up his licence as a shopkeeper; but this was never done, though this gentleman, as I believe, stated to me that he would do so, or become answerable for Mr. Dubord's licence.

D. Daly, Esq., &c.

I have, &c.
(signed) D. Chisholme.

Enclosure 2, in No. 3.

Sir,

Secretary's-office, Quebec, 14 September 1836.

CIRCUMSTANCES having recently come to my knowledge tending to excite a belief that the conduct of my late agent for the issue of licences in the district of Three Rivers, Mr. David Chisholme, has not been correct, and that the public revenue has suffered in consequence, I find myself under the necessity of requesting the permission of his Excellency the Governor-in-chief to proceed to Three Rivers, for the purpose of investigation on the spot. As, however, the public revenue is concerned, as well as the character of an officer of the Government, I have the honour to suggest, for his Excellency's approval, that some competent person, possessing his Excellency's confidence, at Three Rivers, may be associated with me in the investigation, the result of which may be reported to his Excellency.

The Civil Secretary.

I have, &c.
(signed) D. Daly.

Enclosure 3, in No. 3.

Sir,

Castle of St. Lewis, Quebec, 15 September 1836.

I HAVE the honour to enclose herewith a copy of a letter addressed to Mr. Vezina, the King's counsel at Three Rivers, with reference to your letter of this day's date; and as you are

Correspondence
respecting
Mr. Chisholme.

already in possession of the information which led you to make the representation contained in your communication, I have only to convey to you his Excellency's desire that you should proceed to Three Rivers with as little delay as possible, and there jointly with Mr. Vezina enter upon the investigation into the conduct of Mr. Chisholme, your late agent for issuing shop and tavern licences, as it affects the matter brought by you under his Excellency's consideration. You will be pleased to take with you such documents from your office as may facilitate your proceedings; and you will also afford Mr. Chisholme the opportunity of making any explanation he may desire, and access to the evidence you may take.

It has been notified to Mr. Chisholme that, as a Government officer, his Excellency expects him to afford you every facility in your inquiry, and to attend before you when required. I need hardly add, that it is his Excellency's wish that your report should be made with as little delay as possible, and accompanied with such evidence as you may collect.

The Secretary of the Province,
&c. &c. &c.

I have, &c.
(signed) *S. Walcott*, Civil Secrétaire.

Enclosure 4, in No. 3.

Sir,

Castle St. Lewis, Quebec, 15 September 1836.

IN consequence of an official communication, addressed to the Governor-in-chief, touching the conduct of Mr. Chisholme while employed by the provincial secretary as his agent for the issue of shop and tavern licences in the district of Three Rivers, from which it would appear that the public revenue is supposed to have suffered, I have received his Excellency's commands to take immediate measures for the purpose of having this matter thoroughly investigated; and for this purpose I have now to request, that you will, with Mr. Daly, the provincial secretary, undertake the inquiry. Mr. Daly has received instructions to repair to Three Rivers with as little delay as possible, and to put himself in communication with you on this subject; and after affording Mr. Chisholme an opportunity of making any explanation he may desire, and access to the evidence you may take, you will be good enough to make a report of the circumstances of the case for his Excellency's information with as little delay as may be.

It has been notified to Mr. Chisholme, that, as a Government officer, his Excellency expects him to give you every assistance in your inquiry, and to attend before you when required.

P. Vezina, Esq., Three Rivers.

I have, &c.
(signed) *S. Walcott*, Civil Secrétaire.

Enclosure 5, in No. 3.

Sir,

Castle St. Lewis, Quebec, 15 September 1836.

I AM directed by the Governor-in-chief to apprise you, that in consequence of an official communication addressed to him with regard to your conduct while employed by the provincial secretary as his agent for the issue of shop and tavern licences for the district of Three Rivers, by which the public revenue is supposed to have suffered, he has commanded Mr. Vezina, one of His Majesty's counsel, and Mr. Daly, the provincial secretary, thoroughly to investigate this matter, and report the evidence for his Excellency's information.

His Excellency expects you, as a Government officer, to afford those gentlemen every facility in your power in their inquiries, and to attend before them when required.

D. Chisholme, Esq., Three Rivers.

I have, &c.
(signed) *S. Walcott*, Civil Secrétaire.

Enclosure 6, in No. 3.

— 1. —

Mon cher Monsieur,

Trois Rivières, 17 Sept. 1836.

JE crois devoir vous prévenir que M. le Secrétaire Provincial Daly, écuyer, est arrivé en cette ville, pour procéder avec moi, par ordre de son Excellence le Gouverneur-en-Chef, à une certaine investigation dans certaines affaires qui vous concernent, ainsi que vous devez en avoir été prévenu par le secrétaire civil de son Excellence le Gouverneur-en-Chef; et que nous avons fixé pour y procéder Lundi prochain à huit heures du matin, à l'hôtel d'Ostrom en cette ville, où nous vous notifions et prions de vous trouver, avec tous les papiers, livres et documents qui ont rapport à ces affaires, ou de nous faire réponse de vos intentions à cet égard.

D. Chisholme, Ecuyer, Trois Rivières.

Monsieur, votre très humble, &c.
(signé) *P. Vezina*, Cr

— 2. —

My dear Sir,

Sunday.

I HAVE this moment received your letter, and write this note in bed, and am so ill that the doctor attends me; it would, therefore, much oblige if you could favour me with a visit in the course of the day.

P. Vezina, Esq., &c.

Your's, &c.
(signed) *David Chisholme.*

— 3. —

Three Rivers, 18 Sept. 1836.

MR. CHISHOLME having mentioned to me that he was engaged to keep an appointment to-morrow morning, at eight o'clock, I do hereby certify that he is confined to his bed from illness, and will be incapable of fulfilling this appointment.

(signed) *Christopher Carter, Surgeon.*

— 4. —

Monsieur,

Trois Rivières, 19 Sept. 1836.

LES commissaires sur l'enquête et investigation concernant les licences pour détailler des liqueurs fortes dans ce district, vous requièrent de leur procurer la communication, sans délai, des livres concernant les noms des personnes licenciées depuis 1828; ainsi que les certificats des qualifications des aubergistes, ou de leur en permettre l'inspection, soit à votre bureau ou à votre maison.

À M. D. Chisholme, Ecuyer, présent.

Votre serviteur,
(signé) *P. Vezina.*

— 5. —

Mon cher Monsieur,

Trois Rivières, 19 Sept. 1836.

IL a été envoyé des livres et un panier de papiers de votre part, mais nous ne croyons pas devoir y regarder, sans que vous le permettiez, par une réponse par écrit, et nous informer si comme agent pour délivrer les licences vous n'avez pas d'autres documents et papiers, et si ce sont tous les papiers concernant les certifications des aubergistes, comme *clerk* de la paix; une réponse par écrit est requise.

M. D. Chisholme, Ecuyer, présent.

Votre serviteur,
(signé) *P. Vezina.*

— 6. —

Gentlemen,

Three Rivers, 19 Sept. 1836.

I WRITE this in bed, in reply to yours, just received.

The books and papers transmitted to you this morning are all in my possession, as clerk of the peace; and I have no books, papers or any other documents in my possession, as agent for licences, except part of my correspondence with the provincial secretary.

I have, &c.
(signed) *David Chisholme.*

— 7. —

Mon cher Monsieur,

Trois Rivières, 19 Sept. 1836.

SUIVANT votre réponse de ce jour à la nôtre sur l'enquête, &c., que vous n'avez pas d'autres documents que ceux produits (comme clerk of the peace), excepté partie de vos correspondances avec le secrétaire provincial, &c., nous vous requérons de nous transmettre et communiquer toutes et chacune des correspondances que vous avez eü avec le dit secrétaire provincial, comme agent pour délivrer les licences.

M. D. Chisholme, Ecuyer, présent.

Votre serviteur,
(signé) *P. Vezina.*

— 8. —

Gentlemen,

In bed, 19 Sept. 1836.

As my correspondence with the provincial secretary, on the subject of licences, forms no part of documents in my possession, "as an officer of Government," I beg leave to decline to comply with your request in respect to that correspondence.

Messrs. Daly & Vezina.

I have, &c.
(signed) *David Chisholme.*

Correspondence
respecting
Mr. Chisholme.

— 9. —

Gentlemen,

Three Rivers, 21 Sept. 1836.

I AM now so far well as to be able to sit up and write this.

As neither the communication which I have had from the civil secretary, on the subject of my conduct while agent for licences in this district, nor my late correspondence with you, has enabled me to form any conjecture of the charges brought against me, of the nature of your present inquiries, of the evidence adduced, nor of my right to be present by myself or counsel at the examination of witnesses, I have to request that you will be so good as to instruct me with respect to these matters; and, in particular, furnish me forthwith with a copy of such evidence as may have been taken against me, that I may have an early opportunity of rebutting and explaining anything that may appear to my prejudice.

It will oblige me to have your answer to this in English.

I have, &c.

D. Daly and P. Vezina, Esqs.

(signed) David Chisholme.

— 10. —

Sir,

Three Rivers, Ostram's Hotel, 21 Sept. 1836.

IN reply to your letter of this date, we have to refer you to Mr. Daly's letter to you of the 9th instant, for information as to the nature of our present inquiry. We would not have had any objection to your being present at all our proceedings in regard to it, had you expressed a wish to that effect. With regard to the evidence we have taken, we consider it our duty to transmit it to his Excellency the Governor-in-Chief, with your letter of this date, when his Excellency will communicate it to you, or not, as he sees fit; but the communication of it, if refused, will not be at our instance.

We have, &c.

D. Chisholme, Esq., &c.

(signed) D. Daly.
P. Vezina.

— 11. —

Gentlemen,

Three Rivers, 22 September 1836.

I HAD yesterday the honour of being favoured with your letter of that date, referring me for information as to the nature of your present inquiries to Mr. Daly's letter of the 9th instant; but upon doing so, and considering the reports which have this day reached me from some witnesses examined before you, I do but bare justice to myself in earnestly and firmly protesting against both the substance and scope of the evidence adduced, as totally inapplicable and irrelevant to the charges in question.

As endowed with all the rights and privileges of a British subject, I also beg leave to protest against the commission of inquiry under which you are said to act, as being both illegal and unconstitutional. It may be founded on an "official communication;" but against that official communication itself I likewise protest, as being the result of a deep-laid plot and conspiracy to ruin and destroy my character as a man, as well as my integrity as a public officer.

Being the party accused, I ought from the beginning to have been enjoined and invited to be present at every step of the proceedings adopted against me. I protest against the infringement of my right in this behalf. I should otherwise have been afforded an opportunity of more fully ascertaining the precise nature of the authority by which you act; against which I again beg leave to protest, as at variance with every principle of justice and right.

I deny the truth of the allegations charged against me, and protest against any evidence that may have been taken by you in support of them, without permitting me to be present to elucidate the truth by cross-examination, should I deem it necessary.

In fine, I beg leave to protest against the whole of your proceedings, as illegal and inquisitorial; as defamatory of and ruinous to my reputation, in every respect; as pernicious to the ends of justice; as an innovation upon the due course of law; as inconsistent with the proper administration of justice; as at variance with the law of the land, and my just rights and liberties as a British subject. I disown the whole of your authority, and do now and hereby solemnly protest against it.

I disclaim all personal reflections, and have the honour to be, &c.

D. Daly and P. Vezina, Esquires,
&c. &c. &c.

(signed) David Chisholme.

Enclosure 7, in No. 3.

Sir,

Castle of St. Lewis, Quebec, 26 September 1836.

IT having been represented to the Governor-in-chief that while you were employed by the provincial secretary as his agent for the distribution of shop and tavern licences in the district of Three Rivers, you received money from several individuals, either by yourself or by your agent, the late Antoine Hamel, for licences which you never issued, and that you omitted to account for these monies and to return to the provincial secretary the names of those

those individuals in the list, periodically furnished by you, of persons licensed, his Excellency felt it his duty at once to take measures for ascertaining whether there existed any foundation for allegations which, if true, would show that a fraud had been practised on the public revenue, and would exhibit a want of moral integrity in a Government officer which would render him quite unfit to be retained in the public service. With this view, an immediate investigation was determined upon, and the conduct of it confided to Mr. Vezina and the provincial secretary, you being at the same time informed of the course that had been decided on, and commanded to afford every facility to the inquiry in your power. This command, his Excellency regrets to observe, does not appear, from your own correspondence, to have been obeyed in the spirit which he expected, although at the time it was given it seemed to be merely superfluous, as his Excellency conceived that any one labouring under so grave a suspicion would be more than anxious to court investigation and to set his innocence in a pure light. I may here remark, that you must have been fully aware of the object and nature of the proposed inquiry, from the letter addressed to you on the 9th instant by the provincial secretary. The investigation has now terminated, and the gentlemen who conducted it, having taken down in writing the statements of the several individuals who chose to come forward, have laid the same before his Excellency without any comments of their own, save only a few marginal remarks, stating whether the names of the individuals appear or not in your periodical returns, and whether they produced or not any receipts for the payments made to you or your agent.

As you were not present when these statements were taken, and have not been heard in your own vindication, and as it was not nor is his Excellency's intention to proceed upon *ex parte* evidence, nor upon a *prima facie* case, strong as that case appears, I am commanded to enclose to you a copy of the statements and marginal remarks in question, with a request that you will, without any avoidable delay, furnish for his Excellency's information such explanation as you may wish to make, accompanied by such proofs as you may deem it advisable to adduce. With respect to the protest, which at the last moment and after you had consented to appear before Messrs. Vezina and Daly, and had excused your attendance on the ground of illness, you delivered in to them against the legality of the inquiry, I am directed to observe, that upon the slightest reconsideration, you must at once see how uncalled for as well as how ill-timed was such a proceeding on your part. It is quite clear that the Government has, and must of necessity have, the right to dismiss any of its servants holding office during pleasure, without assigning any reason or calling for any explanation, whenever it shall be satisfied that they are no longer worthy of its confidence. If, however, before exercising this discretionary power, and in order to satisfy itself as to the truth or falsity of the alleged facts upon which it intends to proceed, the executive should take measures for gathering the desired information through the medium of persons appointed expressly for the purpose, and should give the suspected officer an opportunity of being present and assisting at the inquiries, and of being heard in explanation or opposition to what was adduced; so far from acting illegally or oppressively, it, on the contrary, shows the utmost tenderness for the rights of the individual, and the most marked respect for the principles of justice. The executive could not force you to attend before Messrs. Vezina and Daly, but it directed them to afford you the opportunity of making any explanation you might desire, and access to the evidence to be adduced before them.

I have, &c.

David Chisholme, Esq.,
Clerk of the Peace, Three Rivers.

(signed) S. Walcott, Civil Secretary.

Enclosure 8, in No. 3.

Sir,

Three Rivers, 28 September 1836.

I HAD yesterday the honour of receiving your letter of the 26th instant, inclosing a copy of the evidence taken by Messrs. Vezina and Daly, regarding the issue of licences in this district, with a request that I would furnish, for the information of his Excellency the Governor-in-chief, such explanation as I would wish to make with respect to this evidence; and I have to beg of you to be so good as to convey to his Excellency my most grateful acknowledgments for the communication, and to assure his Lordship that as soon as my present very bad state of health will admit of it, I shall proceed to obey the commands imposed upon me.

In the mean time, I hope to be permitted to make a few preliminary observations with respect to the circumstances attending the investigation in question, in the humble expectation of being able to efface from the mind of his Excellency some unfavourable impressions which I fear may have been engendered more by the equivocal situation in which I stand, than by any real or premeditated intention on my part to give offence, which far be it from me.

Late in the day of Saturday, the 16th instant, I was called to the parish of Nicolet to hold a coroner's inquest, and returned home during the night, chilled, and rather unwell. On Sunday, though rather worse, I got up; but soon became so extremely unwell as to be obliged to return to bed again, suffering the most excruciating pains, and a relapse of the effects of a severe fall from a carriage some two months since on my way from River du Loup, whither I had been on duty. It was in this situation that I received the first intimation from Messrs. Vezina & Daly of their intention to meet on Monday, and their desire that I should appear before them with such papers, books and documents as I might be in possession of with respect to the proposed inquiry. Being so ill as to be unable to reply to this notice, I sent to Mr. Vezina, the writer of it, to request the favour of a call; and having kindly complied with my request, I verbally stated to him, that if I could move I should

Correspondence
respecting
Mr. Chisholme.

next morning attend before him and Mr. Daly. In the mean time a much respected and valued friend called to see me, and strenuously urged the necessity of sending for medical advice; but this I resisted; fearing, and stating, that a treatment would be resorted to which would prevent me from keeping my appointment on the ensuing day. However, my friend and Mrs. Chisholme having consulted together, the doctor was sent for without my knowledge; and the consequence was, that although I refused to comply with some of his prescriptions, in the hope of being thereby enabled to meet Messrs. Vezina and Daly, he found me so much worse the next day that he would not permit me to get out of bed; and, indeed, I was little able; of which circumstance a certificate was furnished. Upon this I received a note from Messrs. Vezina and Daly, desiring communication of all papers, books and documents in my possession having relation to the inquiry going on; with which I immediately complied, by sending to them, under care of the high constable, everything in my custody with respect to licences. Some little correspondence then took place with Messrs. Vezina and Daly, which I was but ill calculated to conduct in my then state of health.

The distraction of mind which the complicated effects of extreme bad health, and an investigation of so delicate a nature must have occasioned, may be easily conceived. It was while labouring under them that on the 21st I addressed Messrs. Vezina and Daly for information as to the true situation in which I then stood, and as to my right to be present during their inquiries; for it appeared to me from your letter of the 15th, that although I was commanded to appear before Messrs. Vezina and Daly, "as a Government officer, to afford these gentlemen every facility in your power in their inquiries, and to attend before them when required;" yet the right and privilege of being present during every stage of the proceeding, and of cross-examining the witnesses, were denied to me. It was stated to me that the investigation, as it proceeded, had deviated widely from the tenor of the provincial secretary's letter to me of the 9th; but if I was misinformed, and had adopted an erroneous view of the privileges intended to be conferred upon me as an accused party, I have now only to trust to the indulgence of his Excellency for the most favourable construction of my conduct, as his Lordship will be aware that, however innocent, it is my right to be fairly and duly tried.

It was under similar feelings, and perhaps erroneous impressions, that I conceived it to be necessary to transmit my protest against the proceedings of Messrs. Vezina and Daly; carried on, as they were, in my absence, while lying on a bed of sickness, and amidst the gaze of the public eye.

Information had reached me that the inquiry had created such a popular outcry and clamour against me throughout this town and district, that, should any future legal question arise with regard to it, I could never obtain that fair and impartial investigation of my case and conduct which the laws of the land entitled me to. I was thus, in a manner, compelled, in self vindication, to do an act which, upon mature reflection, I sincerely regret and repent of; and I accordingly trust that I may be permitted to withdraw the document in question from the proceedings.

It is not for me either to question or discuss the right of the Crown to dismiss any of its servants without assigning the grounds of such dismissal, and I beg to assure you that on the present occasion the subject was never mooted in my mind; but I have too much confidence in the justice and humanity of his Excellency the Governor-in-chief for a moment to suppose that his Lordship would ever exercise the high powers with which he is invested than upon good and sufficient cause, and in conformity with the strictest principles of right and justice.

S. Walcott, Esq.
&c. &c. &c.

I have, &c.
(signed) *David Chisholme.*

Enclosure 9, in No. 3.

Sir,

Castle of St. Lewis, Quebec, 30th of September 1836.

I HAVE the honour to acknowledge the receipt of your letter of the 28th instant, and to acquaint you that I laid it before the Governor-in-chief; and his Excellency trusts that you will lose no time in preparing and transmitting for his consideration such explanation as you may wish to furnish in the matter mentioned in my letter to you of the 26th instant.

David Chisholme, Esq.,
&c. &c. &c.

I have, &c.
(signed) *S. Walcott, Civil Secretary.*

Enclosure 10, in No. 3.

Sir,

Three Rivers, 18 October 1836.

I HAVE at last been enabled to complete, and have now the honour of transmitting to you, without comment, for the favourable consideration of his Excellency the Governor-in-chief, certain certificates and observations with respect to the complaint made against me as to my conduct while the agent of the provincial secretary for the issue of licences in this district.

I shall only beg leave to add, that should it appear to his Excellency I may have committed some of those minute and trivial errors which so frequently occur in the transaction of public business, yet I do most conscientiously acquit myself of any design either to defraud the revenue, or perpetrate any legal or moral violation of my duty.

S. Walcott, Esq.
&c. &c. &c.

I have, &c.
(signed) *David Chisholme.*

Enclosure 11, in No. 3.

Three Rivers, 17 Sept. 1836.

Evidence taken by Messrs. Vezina and Daly, regarding the issue of Licences by Mr. *David Chisholme*, in the district of Three Rivers, as Agent to the Provincial Secretary.

Certificates and Observations furnished by Mr. *Chisholme*, in reply to the several cases.

No. 1.—*L. E. Dubord*, Champlain, shopkeeper.

States that he has been a shopkeeper for the last three years. That he paid the sum of 4 *l.* 7 *s.* 6 *d.* each year to Mr. *Chisholme*, but that he never received one, nor did he know the form of a licence until he received one this year from Mr. *Kimber*. He produces receipts, of which the following are copies:

"Mr. *L. E. Dubord* has deposited in my hands money for a merchant's licence.

(signed) "*David Chisholme*,
"Agent."

"Reçu de sieur *L. Dubord*, marchand, la somme de 4 *l.* 7 *s.* 6 *d.* pour valeur de sa licence pour l'année 1835, jusqu'à l'an 1836, par ordre de *David Chisholme*, ecuyer.

(signed) *Antoine Hamel*, Fils.

"Champlain, 19 June 1835."

N.B.—Mr. *Dubord*'s name is not returned in the lists furnished by Mr. *Chisholme* of shopkeepers' licences issued by him in 1834, 1835.

(signed) *D. D.*
P. V.

No. 1.

Champlain, 24 Sept. 1836.

Tel que je vous ai déjà dit je n'ai jamais fait une plainte formelle contre M. *Chisholme*, par rapport aux licences.

Votre humble serviteur,
(signé) *L. E. Dubord*.

James Bell, Ecuyer.

Champlain Mills, 15 Oct. 1836.

My dear Sir,

Yours of yesterday I have received, and in reply I beg to say that I recollect perfectly *Dubord* and *Bellerive*, both inhabitants of the seigneurie, having spoken to me about their licences in the years 1833 and 1834. I may have promised to take them up. This however I certainly did not do, nor did they ever pay me for the same.

I have, &c.

(signed) *James Bell*.

David Chisholme, Esq.

L. E. Dubord, Shopkeeper, Champlain.

I do hereby certify that although I got a receipt from Mr. *Chisholme* for money paid for my licence, I did not call back upon him to exchange the receipt for my licence. That for 1834, I understood Mr. *James Bell* would take up my licence; and that for 1835, when I paid money to *Hamel*, he showed me no order from Mr. *Chisholme* to receive it.

(signed) *L. E. Dubord*.

Champlain, 17 Oct. 1836.

Observations:

Mr. *Dubord* has this day seen his name on my list of licences for 1832, and he agrees with me in thinking that it was placed there by mistake for 1833; his name being the last on the list for 1832 instead of the first for 1833.

In 1834, Mr. *Dubord* was returned as a tavern-keeper, but did not qualify himself as such.

As to the late *Antoine Hamel*, I shall here, once for all, beg leave respectfully but decidedly to decline taking issue upon any of his transactions respecting licences. He was never "my agent, my servant, nor my clerk," but the servant of the public, by whom he was paid, having been appointed crier and police messenger by the Court of Quarter Sessions. It will thus be seen that Mr. *Dubord* could not have paid the sum of 4 *l.* 7 *s.* 6 *d.* each year to Mr. *Chisholme*, and that contrary to the charge of Mr. *Daly*'s letter to me of the 9th September last, he never demanded the shop licence in question.

(signed) *David Chisholme*.

17 Oct. 1836.

Correspondence
respecting
Mr. Chisholme.

No. 2.—*Adolphus Steen*, of Gentilly,
Shopkeeper.

Has kept a shop for four years, and has never received a licence from Mr. Chisholme, although he has always paid for them, except one which he will produce, and one receipt from Mr. Chisholme, which he will also produce, being the amount of a licence which he never received. He also states that Mr. Gers paid for two licences which he never got.

N. B. Mr. Steen's name appears in Mr. Chisholme's list of licensed shopkeepers for 1835, but not in 1834.

(signed) *D. D.*
P. V.

19 Sept.

No 3.—*Marie L. Ganzelin*, Tavern-keeper,
Three Rivers.

Paid her licence to Mr. Chisholme, and does not exactly recollect whether or not she got a licence or a receipt, but she will produce either.

N. B. Did not produce either.

(signed) *D. D.*
P. V.

22 Sept.

No. 4.—*Veuve Maurissette*, Tavern-keeper,
Three Rivers.

Paid her money to Mr. Chisholme himself last year, who told her that he had no licences then, but that she had nothing to fear, and might sell, as he had entered her name; or something to that effect.

N. B. Her name does not appear in Mr. Chisholme's list of licences issued in 1835.

(signed) *D. D.*
P. V.

No. 5.—*Veuve Ritter*, Tavern-keeper,
Three Rivers.

Paid Mr. Chisholme for her licence last year, but never received it, having been assured that she might sell without danger by Mr. Chisholme, as he had enregistered her name. She got no receipt.

N. B. Her name is not returned as licensed in 1835 by Mr. Chisholme.

No. 6.—*Mrs. M. T. Perrault*, or *Boudreau*,
Shopkeeper.

Paid her money for a licence in 1835, which she never got. Hands in a certificate, marked A, which she received from Mr. C., in lieu of a licence.

N. B. Her name does not appear in Mr. Chisholme's return of licensed shopkeepers for 1835.

(A.)

Province of Lower Canada, District of
Three Rivers.

I, David Chisholme, clerk of the peace in and for the district of Three Rivers, do hereby certify that the bearer hereof, Mrs. M. T. Perrault, has been duly qualified as a shopkeeper in and for the parish of Three Rivers, in the district aforesaid, according to law.

Given under my hand at the town of Three Rivers, this 5th day of July in the year 1833.

(signed) *David Chisholme*,
Clerk of the Peace.

No. 2.—*Adolphus Steen*, of Gentilly,
Shopkeeper.

I do hereby certify that for the years 1833, 1834 and 1835, I took up from Mr. Chisholme shop licences for Mr. Steen of Gentilly.

(signed) *Gustavus Gers.*

St. Anne, 4 Oct. 1836.

No. 3.—*Marie L. Ganzelin*, Tavern-keeper,
Three Rivers.

This woman's statement contains no charge against me.

(signed) *David Chisholme.*

11 October 1835.

No. 4.—*Mrs. Maurissette*, Tavern-keeper,
Three Rivers.

I hereby certify that for the years preceding 1835, I have regularly received my licences; and that for that year I deposited money by two several instalments for my licence, but did not call for it; being told by the late Antoine Hamel that he would bring it to me.

her
Marie x Lepage.
Mark.

In presence of *Honore Godin.*

No. 5.—*Mrs. Ritter*, Tavern-keeper,
Three Rivers.

I do hereby certify that I did not pay for nor call for my licence for 1834; and as to that for 1835, being told that the licences did not arrive from Quebec, I did not call for mine for that year, nor at all see Mr. Chisholme on the subject.

Three Rivers, her
4 Oct. 1836. *Margaret x Ritter.*
Mark.

Witness, *Honore Godin.*

No. 6.—*M. T. Perrault*, or *Boudreau*,
Shopkeeper, Three Rivers.

I hereby certify that it was not I, but my husband, that went to Mr. Chisholme, regarding a licence; and that I did not at any time call upon Mr. Chisholme for my licence in exchange for money or certificate.

(signed) *Marie Therese Perrault.*

Three Rivers, 7 Oct. 1836.

Notes :

(1) This woman's husband is a pilot, and cannot now be seen.

D. C.

(2) Upon referring more particularly to my lists, I find that this woman's name is entered on my lists for both the years 1834 and 1835, thus :

1834. May 24. No. 27. *M. T. Boudreau*,
Three Rivers.

1835. May 19. No. 14. *M. T. Boudreau*,
Three Rivers.

(signed) *David Chisholme.*

13 Oct. 1836.

No. 7.—*Joseph Rocheleau*, Tavern-keeper,
Cap la Madelaine.

Has kept a tavern for three years, for one year of which time he only got a receipt for his money from Mr. Chisholme's bailiff, Antoine Hamel, which he produces, marked (B.)

(B.)

"Reçu du Sieur Joseph Rocheleau la somme de douze chelins pour balance de sa licence due jusqu'à l'année 1836.

"Par ordre de David Chisholme.

(signé) *Antoine Hamel.*"

N.B.—He does not appear in Mr. Chisholme's lists for 1834 and 1835 as licensed.

No. 8.—*Agathe Fortin*, Tavern-keeper,
Three Rivers.

Paid her licence for three years to Mr. Chisholme, by the hands of her husband or son-in-law, but never got anything but receipts, which she will produce if she can find.

N. B.—Did not again appear or send in receipts; is not returned licensed in 1834 or 1835.

No. 9.—*Jean Terreau*, Tavern-keeper,
Three Rivers.

Has been a tavern-keeper for three years; in 1834 paid his money, and hands in the receipt for it, marked (C.); did not receive a licence. In 1835 also paid his money to Mr. Chisholme, who assured him nothing more was necessary; got neither licence nor receipt, and Mr. Chisholme said he might sell without danger. He first received a licence this year from Mr. Kimber. He is willing to attest the above facts on oath, if necessary.

(C.)

Three Rivers, 4 November 1834.

I have received from Jean Terreau the amount of his tavern licence.

(signed) *David Chisholme*, Agent.

N. B.—He is not returned by Mr. Chisholme as licensed in 1834 or 1835.

No. 10.—*Widow Hamel*, Tavern-keeper,
Three Rivers.

Says her husband always took out licences, but she never saw them. Her husband might have had them in the office of Mr. Chisholme, in which he was engaged every day as bailiff. She has a licence this year from Mr. Kimber.

N. B.—Antoine Hamel, her late husband, is returned by Mr. Chisholme as licensed in 1834, but not in 1835.

(signed) *D. D.*
P. V.

No. 7.—*Joseph Rocheleau*, Tavern-keeper,
Cap la Madelaine.

Observations :

This man did not qualify himself as a tavern-keeper for the years 1834 or 1835; and if he paid money to Antoine Hamel, I know nothing of the fact.

(signed) *David Chisholme.*

6 October 1836.

No. 8.—*Agathe Fortin*, Tavern-keeper,
Three Rivers.

Observations :

I have not seen this woman's husband for at least six years, and I never remember him to be in a condition to pay any sum of money. Certainly he never paid any to me on his own or his wife's account. Who her son-in-law is I cannot tell.

(signed) *David Chisholme.*

6 October 1836.

Note.—I have made every effort to see Agathe Fortin, but she has declined an interview.

11 Oct. 1836. (signed) *D. C.*

No. 9.—*Jean Terreau*, Tavern-keeper,
Three Rivers.

I do hereby certify, that for the years 1834 and for 1835 I did not call upon Mr. Chisholme for my licences, having been told by the late Antoine Hamel that it was not necessary for me to do so.

his
Jean x Terreau,
Mark.

In presence of
John C. Fearon.

No. 10.—*Widow Hamel*, Tavern-keeper,
Three Rivers.

Observations :

It was in 1834 that the husband of this woman first qualified as a tavern-keeper, and his licence was delivered to him. In 1835 he did not take out his licence, assigning as a reason that he could not do so until his salary as crier of the quarter sessions, &c. should be paid by government.

(signed) *David Chisholme.*

7 October 1836.

Note.—Antoine Hamel, on his own showing, died in my debt to a considerable amount, for cash advanced to him.

11 October 1836.

Widow Hamel has left Three Rivers.

17 Oct. 1836. (signed) *D. C.*

No. 11.—

Correspondence
respecting
Mr. Chisholme.

No. 11.—*Michel Gerard*, Tavern-keeper,
Three Rivers.

Paid his licence money to Mr. Chisholme, who gave him neither licence nor receipt, but told him to sell without fear, as he would settle the matter if he was threatened with prosecution. Will attest these facts on oath, if required.

N. B.—He is not returned as licensed in Mr. C.'s lists for 1834 or 1835.

No. 12.—*Pierre Bealeu*, Shopkeeper,
Three Rivers.

Paid for licences in 1834 and 1835 to Antoine Hamel, Mr. Chisholme's bailiff; got his receipts for each year, but never got a licence; has lost or mislaid the receipt for 1834, but produces the receipt for 1835, marked (D.)

(D.)

Reçu de Mr. Belloe, marchand, la somme de quatre livres sept chelins et demi courant pour valeur de sa licence pour l'an 1835, par ordre de David Chisholme, ecuyer.

(signed) *Antoine Hamel*, fils.

Trois Rivières, 26 Juin 1835.

N. B.—He is not returned as licensed by Mr. Chisholme in 1834 or 1835.

No. 13.—*Beaulieu*, Three Rivers.

Hands in Mr. Chisholme's receipt for the amount of a shop licence for his son F. H. Beaulieu, of St. Leon, shopkeeper, marked (E.), which he declares he never could get, although he more than once applied for it, being always told either that there were no licences, or that they were exhausted, and would be given when received. Will attest the facts on oath, if required.

(E.)

Thomas H. Beaulieu, of St. Leon, has paid me for a shop licence, which will be delivered to him on Saturday.

(signed) *D. Chisholme*, Agent,

Three Rivers, 8 October 1832.

No. 14.—*Ignace Caron*, Shopkeeper, River
du Loup.

Hands in Mr. Chisholme's receipt, marked (F.), for money for a licence which he never got. He further states, that Amable Gagnon, of Masquomonge, got a certificate of payment of his licence the same day from Mr. Chisholme, in his presence. Will swear to the facts, if required.

(F.)

Three Rivers, 31 July 1832.

Ignace Caron, of River du Loup, has this day deposited with me money for a shop licence.

(signed) *David Chisholme*.

No. 11.—*Michel Gerard*, Tavern-keeper,
Three Rivers.

Observations :

This individual was returned as a tavern-keeper for the first time in 1835, and he never called upon me, nor paid me for his licence.

(signed) *D. Chisholme*.

10 Oct. 1836.

Note.—He has gone to Quebec.

No. 12.—*Pierre Bealeu*, Shopkeeper, Three
Rivers.

I hereby certify, that for the year 1834 I paid for and received my licence as a shop-keeper from Mr. Chisholme or Mr. Bohin.

(signed) *Pierre Bealeu*.

Three Rivers, 7 Oct. 1836.

Observations :

I was never called upon to furnish a list of the licences issued by me until after I had ceased to be agent; and it is probable that in one or two instances I may have omitted a name; indeed I know that I have, through inadvertency.

(signed) *David Chisholme*.

Beaulieu, Three Rivers.

Observations :

Mr. Beaulieu declines to state to me the date of the receipt he alludes to, but it will be satisfactory to know that his son's name is on the list of shop licences for 1833, 1834, 1835.

(signed) *David Chisholme*.

6 October 1836.

No. 14.—*Ignace Caron*, Shopkeeper, River
du Loup.

Observations :

I have had as yet no opportunity of seeing this individual, nor the means of sending for him; but I find his name on my list of shopkeepers whose licences have been delivered to them, as follows:

1833, Aug. 18, No. 15, Ignace Caron,
River du Loup.

1834, May 17, No. 16, Ignace Caron,
River du Loup.

1835, May 19, No. 12, Ignace Caron,
River du Loup.

(signed) *David Chisholme*.

Three Rivers, 8 Oct. 1836.

Note :

1833, May 22, No. 29, Amable Gagnon,
Masquomonge.
D. C.

No. 15.—

No. 15.—*Pierre Panneton*, Shopkeeper,
Three Rivers.

Paid his money for a licence in 1835, which he did not get, but was told he was safe when the last instalment was paid, having paid the amount in different sums, as appears from the receipts marked (C.) of Antoine Hamel, Mr. Chisholme's bailiff, and a letter from the same person, which he hands in. He got neither receipt nor licence for the last payment, which he will swear to if required.

(C.)

Monsieur,

Je suis chargé de la part de Sieur David Chisholme de vous dire, que passé demain à dix heures du matin, si vous ne venez point lui payer la balance de votre licence il cessera de vous attendre davantage, et attendez vous de recevoir la poursuite sans faute.

Je suis votre ami,
(signé) *Antoine Hamel.*

Trois Rivières, 16 Oct. 1835.

Reçu du Sieur Philip Panneton la somme de huit piastres courant en acompte de sa licence marchande pour l'an 1835, par ordre de David Chisholme, écuyer.

(signé) *Antoine Hamel, fils.*

Trois Rivières, 17 Oct. 1835.

Reçu du Sieur Pierre Panneton, marchand, la somme de vingt-cinq chelins courant pour valeur reçue en acompte de sa licence de l'an 1835.

Par ordre de David Chisholme, écuyer.

(signé) *Antoine Hamel.*

Trois Rivières, 17 Nov. 1835.

N. B.—He is not returned as licensed by Mr. Chisholme for 1835.

20 September 1836.

No. 16.—*J. Bte. Martel*, Tavern-keeper,
Becancour.

Has been tavern-keeper for eight years, during which time he has invariably paid for his licences to Mr. Chisholme himself. For the last five years he never received a licence, although he always got receipts from Mr. Chisholme, similar to that which he now hands in, marked (I.) For four years he paid his licence by Mr. Sheriff Ogden's bon, which Mr. Chisholme received as cash. For 1835 Mr. Chisholme himself owed the amount to him, and gave him a receipt as usual. Will furnish the remainder of the receipts if he can find them, and will attest the above facts on oath, if required.

N. B.—Is not returned by Mr. Chisholme as licensed in 1834 or 1835.

(I.)

21 May 1831.

J. B. Martel has deposited in my hands money for a tavern licence, which will be delivered to him when I get a supply from Quebec.

No. 15.—*Pierre Panneton*, Shopkeeper,
Three Rivers.

I hereby certify that I have not yet paid my licence for 1835, and never called upon Mr. Chisholme for the same.

(signed) *Philippe Panneton.*

Three Rivers, 7 Oct. 1836.

Correspondence
respecting
Mr. Chisholme.

No. 16.—*J. B. Martel*, Tavern-keeper,
Becancour.

I do hereby certify that for the years 1834 and 1835 I did not pay for nor take up my licences from Mr. Chisholme.

11 Oct. 1836. his
J. B. x Martel.
mark.

Witness,
Honore Godin.

Observations:

I do not find that for the years 1832 and 1833, Mr. Martel, though returned, ever qualified himself as a tavern-keeper.

(signed) *David Chisholme.*

11 October 1836.

Correspondence
respecting
Mr. Chisholme.

No. 17.—*John Houlston*, Shopkeeper,
Three Rivers.

Has been for four years a shopkeeper. When he commenced business, was told by Mr. Chisholme to begin selling whenever he pleased, and he did so, and continued to sell for the following three years, under the impression that his licences are charged against him by Mr. Chisholme, with whom he had and still has an unsettled account. He has now a licence from Mr. Kimber for this year, and for the first time.

N. B.—He is not returned as licensed by Mr. Chisholme for 1834 or 1835.

(signed) *D. D.*
P. V.

No. 18.—*Michel Gerard*, Shopkeeper,
Gentilly.

Has been a shopkeeper for seven years, and in the years 1833 and 1834 did not receive his licences, although he paid his money each year, and will produce receipts for it. In 1833 he was prosecuted for selling without licence and fined, although he had a receipt for about half the amount of his licence, and an assurance from Mr. Chisholme that he could sell without danger. Will swear to the facts if required, and will furnish the receipts if he can find them. He now produces and hands in a receipt, marked (K.) from A. Hamel, in part payment of his licence for 1835.

(K.)

Reçu de Michel Gerard la somme de six piastres courant en acompte de sa licence pour l'année 1835 et 1836, par ordre de David Chisholme, Ecuyer.

(signé) *Antoine Hamel.*

Trois Rivières, 20 Octobre 1835.

Michel Gerard paid 15s. and 11s.

D. C.

N. B.—He is not returned as licensed by Mr. Chisholme in 1834 or 1835.

(signed) *D. D.*
P. V.

No. 19.—*John O'Connor*, Tavern-keeper,
Three Rivers.

Has been a tavern-keeper for three years: in 1834 and 1835, he paid 6*l.* 11*s.* at different times on account of his licences, to Mr. Chisholme, and never got either licence or receipt. Mr. Chisholme told him to sell, and he was satisfied. He still owes Mr. Chisholme the balance on his second year's licence, and can swear to the above facts. Has a licence this year from Mr. Kimber which is the first he has seen.

N. B.—He is not returned as licensed by Mr. Chisholme in 1834–35.

No. 17.—*John Houlston*, Shopkeeper,
Three Rivers.

I do hereby certify that I have never called upon Mr. Chisholme for a shop licence, or paid him for one.

(signed) *John Houlston.*

Three Rivers, 10 Oct. 1836.

No. 18.—*Michel Gerard*, Shopkeeper,
Gentilly.

Observations:

In 1833 he was a shopkeeper, and his licence was delivered to him, his name being No. 48 on the list of shopkeepers. In 1834 he did not take out or pay for any licence. In 1835 he was qualified as a tavern-keeper, and his licence was delivered to him; his name being No. 3 on my list of tavern-keepers.

(signed) *David Chisholme.*

Three Rivers, 6 Oct. 1836.

Note.—Gerard was returned as a tavern-keeper for 1836; but he has not yet (6 October 1836) qualified himself, or taken out a licence, which shows the irregularity of his conduct.

D. C.

No. 19.—*John O'Connor*, Tavern-keeper,
Three Rivers.

I do hereby certify that not having paid for my licences for the years 1834 and 1835, except as mentioned by me before Messrs. Vezina and Daly, I did not call for my licences.

(signed) *John O'Connor.*

Three Rivers, 4 Oct. 1836.

Correspondence
respecting
Mr. Chisholme.

No. 20.—*François Bellerive*, Tavern-keeper,
Champlain.

21 Sept. 1836.

Has been a tavern-keeper for seven or eight years, and has had only one licence from Mr. Chisholme, which was for the first year. For all the others he paid regularly, and had so much confidence in Mr. Chisholme that he did not ask even for receipts; particularly as he was not threatened with prosecution at any time. He has a licence this year from Mr. Kimber, and is ready to swear to the above facts, and, in some instances, to prove through others that he has paid Mr. Chisholme for his licences.

N. B.—He is not returned as licensed by Mr. Chisholme for 1834 or 1835.

(signed) *D. D.*
P. V.

No. 21.—*Henry J. Hughes*, Shopkeeper,
Three Rivers.

Has a running account with Mr. Chisholme; has not received his licence for the last three years; has however always given Mr. Chisholme credit for the amount of his licences in account, copies of which accounts have been received and approved by Mr. Chisholme. Produced his books and a letter from Mr. Chisholme, confirming his statement, and is ready to attest the facts on oath, if required. Does not remember to have been without his licence until the last three years.

N. B.—Mr. Hughes's name is not returned as licensed for 1834 or 1835.

No. 22.—*Lubin Rousseau*, Shopkeeper,
St. Pierre.

Was three years a shopkeeper, viz. 1829, 1830 and 1831, and only got a licence for 1830, although he always paid, and got receipts from Mr. Chisholme himself. In 1829, after having had his receipt for some months in his hands, he again asked for his licence, and was informed by Mr. Chisholme that he had none, and that he might continue to sell until May following as he was. He will attest these facts on oath, if required, and will enclose the receipts either to Mr. Vezina or Mr. Daly, at Quebec, if he can find them.

No. 20.—*François Bellerive*, Tavern-keeper,
Champlain.

I hereby certify that for the years 1832, 1833, 1834 and 1835, I did not pay Mr. Chisholme for my licences, nor take up the same.

(signed) *François* ^{his} ~~x~~ *Bellerive*.
Mark.

Champlain, 17 Oct. 1836.

Witness,
Honore Godin.

Observations:

Vide Mr. James Bell's letter appended to Mr. Dubord's certificate of this date.

17 Oct. 1836. *D. C.*

No. 21.—*Henry J. Hughes*, Esq.,
Shopkeeper, Three Rivers.

Observations:

I have it in writing from Mr. Hughes on the 4th October instant, that for the year 1834 and 1835 he did not call for his licences. The account he refers to was opened in 1835, after his licences became due, and if in July 1836, the date of the letter alluded to, I expressed an approbation of his statement, it was without adverting to the credit given by him for one licence, and when no mistake of the kind could be rectified by me. This licence ought to have been taken up on the 20th May 1835; but his account was not furnished till July 1836.

(signed) *David Chisholme*.
6 Oct. 1836.

Lubin Rousseau, Shopkeeper, St. Pierre.

Observations:

This man admits that he got his licence for 1830. In 1831 his name is No. 22 on the list for licences paid for and delivered. In 1832 he became and was returned as a tavern-keeper; and his name regularly appears on the list of licensed tavern-keepers from that period to 1835 inclusive.

(signed) *David Chisholme*.
6 Oct. 1836.

Note:

- 1831, April 14, No. 22, *Lubin Rousseau*, shopkeeper.
 - 1832, May 15, No. 9, *Lubin Rousseau*, tavern-keeper.
 - 1833, May 11, No. 2, *Lubin Rousseau*, tavern-keeper.
 - 1834, May 14, No. 9, *Lubin Rousseau*, tavern-keeper.
 - 1835, May 16, No. 8, *Lubin Rousseau*, tavern-keeper.
- D. C.*

2d *Note*:—It was not until 1831 that I was instructed to keep the names of those furnished with licences.

Correspondence
respecting
Mr. Chisholme.

No. 23.—*Antoine Bureau*, Shopkeeper,
Three Rivers.

Paid for a licence in 1835, to Mr. Chisholme's bailiff, A. Hamel, Mr. Chisholme having previously told him he might sell, and that he would send said Hamel for the money; handed in Hamel's receipt, marked (H.), and will attest his statement on oath, if required.

(H.)

Reçu de Sieur Antoine Bureau la somme de dix sept piastres et demi courant, pour valeur de sa licence marchande, pour l'an 1835, par ordre de Sieur David Chisholme.

(signé) *Antoine Hamel*, fils.

Trois Rivières, 17 Oct. 1835.

N. B.—He is not returned as licensed in Mr. Chisholme's lists for 1834 or 1835.

Three Rivers, 22 Sept. 1836.

No. 23.—*Antoine Bureau*, Shopkeeper,
Three Rivers.

I hereby certify that, although I paid my licence to Mr. Hamel, I did not call for the same on Mr. Chisholme.

(signed) *Antoine Bureau*.

Three Rivers, 7 Oct. 1836.

(signed) *D. Daly.*
P. Vezina.

Enclosure 12, in No. 3.

Sir,

Castle of St. Lewis, Quebec, 28 October 1836.

IN acknowledging the receipt of your letter of the 18th instant, with the accompanying certificates and observations, in answer to the complaint made against your conduct while acting as agent to the provincial secretary for the issue of shop and tavern licences in the district of Three Rivers, I am directed by the Governor-in-chief, in the following communication, to convey to you his decision in this matter.

It appears to his Excellency that it was your duty, as such agent, to make a periodical return to the provincial secretary of the number of licences issued, and to account to that officer for all monies received by you, either in payment or on account of licences, such monies, after a small deduction for the fees of the secretary and of yourself, forming a part of the public revenue. It further appears to his Excellency, that if any individual deposited money with you for a licence at a time when you had none in your possession, it was your duty immediately to have taken measures for obtaining and supplying the licence; as you must have been aware that the omission exposed the party (who perhaps, from having paid his money to you, may have considered himself secure) to the risk of a prosecution for illegal trading.

The charge which these documents raise against you is, that in many instances you have received money from individuals as the price of a shop or a tavern licence which you did not issue, and which money you never accounted for to the provincial secretary.

His Excellency, after an attentive perusal of all the documents within his reach bearing on this matter, including those transmitted by you, and after a careful consideration of the whole case, regrets that he is unable to come to any other conclusion than that you have failed to rebut this grave charge, which must now, therefore, be considered as established. Without entering into the consideration of each of the 23 instances that have been brought under his Excellency's notice, I am desired to mention one or two only of those which have assisted in producing this conviction on his mind, and respecting which the facts seem to be simple and undisputed. It is stated by the Widow Maurissette, a tavern-keeper at Three Rivers, in the statement made by her on the 17th ultimo before the provincial secretary and Pierre Vezina, esq. (the gentlemen whom his Excellency had appointed to investigate in the first instance this matter), that she paid her money to you last year, and that you told her you had no licences then, but that she had nothing to fear, and might sell, as you had entered her name; or to that effect. Now, on reference to the list forwarded by you to the provincial secretary of persons licensed for the year 1835, the name of Mrs. Maurissette does not appear; and Mr. Daly affirms that you have never accounted to him for the money; nor, indeed, do you deny having received it; on the contrary, the certificate of Marie Josh. Pagé, which you have transmitted as an explanation, it is presumed, of this case, distinctly shows that you did receive it in two instalments; and the additional fact therein stated, that the licence was not called for, does not in any manner affect the charge that you omitted to account for the money. Again, Jean Terreau, also a tavern-keeper at Three Rivers, stated to Messrs. Daly and Vezina, for the information of his Excellency, that in 1834, he paid his money (for which he produced your own receipt, dated 4th November 1834, now in my possession), but did not receive a licence; that in 1835 he also paid his money to you without obtaining either licence or receipt, and that you assured him nothing more was necessary, as he might sell without danger. With reference to this case you transmit a certificate, which you have subsequently procured from Mr. Terreau, dated the 5th instant, in which he states, that for the years 1834 and 1835 he did not call upon you for his licences, having been told by the late Antoine Hamel that it was not necessary; but

his

his Excellency does not see what explanation this is of the charge. The lists you furnished to the provincial secretary for 1834 and 1835 do not contain the name of Jean Terreau, nor have you accounted, as appears from your quarterly accounts and returns to Mr. Daly, for the money which for one of those years at least you acknowledged under your own hand to have received. The third case to be noticed is that of Adolphus Stein, a shopkeeper at Gentilly, whose statement to Messrs. Daly and Vezina is, that he has kept a shop for four years, and has never received a licence from you, although he always paid for them, except one, which he promised to produce. He also stated, that a Mr. Gers paid for two licences for him, which he never got. To meet this case you procure and transmit a certificate from Mr. Gers, dated the 4th instant, that for the years 1833, 1834 and 1835, he took up from you shop licences for Mr. Stein. It is clear, therefore, that you issued a licence to Mr. Stein for each of those years; but his name is not to be found in the list of persons licensed in 1834 which was forwarded by you to the provincial secretary; nor have you, as Mr. Daly states, accounted for the money you received for that licence.

If it were necessary to go into further details, I might particularize the cases of Mr. L. E. Dubord, shopkeeper at Champlain; Pierre Beveau, shopkeeper at Three Rivers; Mr. Henry F. Hughes, of the same place, and others, equally clear and strong as those already mentioned, and all of which add confirmation to the charge made against you.

In conclusion, I am commanded to acquaint you, that in the discharge of a painful duty, his Excellency feels himself compelled at once to remove you from all the offices which you hold under Government. You will, therefore, deliver over to your successor in each office, all public documents, &c. that may be in your custody or power, and warrants will thereupon be issued for what may be due to you in respect of your services.

I have, &c.

D. Chisholme, Esq., Three Rivers.

(signed) S. Walcott, Civil Secretary.

— No. 4. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 8 December 1836.

SINCE I addressed to your Lordship my despatch of the 29th ultimo, I have had the honour to receive your further despatch of the 31st October, explaining the grounds on which you have felt called upon to remove Mr. Chisholme from his situation of clerk of the peace of Three Rivers, and from all other offices under the Crown. After an attentive perusal of your despatch and its enclosures, it only remains for me to convey to your Lordship my approval of the course which you adopted in this case. The evidence taken before Messrs. Daly and Vezina, and the explanations attempted to be given by Mr. Chisholme, leave no doubt that Mr. Chisholme had in several instances received money for the public, of which he had afterwards rendered no account. This fact being established, it became impossible any longer to retain him in the public service. Your Lordship will of course ere this have taken the necessary steps to compel Mr. Chisholme to refund any sums, the receipt of which can be proved, but which he had not paid over to the provincial secretary.

It is not mentioned in your Lordship's despatch whether any successor has been appointed to Mr. Chisholme, but as I presume that some provision will have been necessary for the execution of the duties of clerk of the peace and coroner, I have to desire that it may intimated to the gentleman on whom those duties have been devolved, that the nature and duration of his tenure of office, and the amount of the emoluments to be attached to it, are points which must be reserved for future consideration.

I have, &c.

(signed) *Glenelg*.

CHARGES AGAINST JUDGE FLETCHER.

COPY of a REPORT of a Select Committee of the House of Assembly of *Lower Canada* respecting Judge *Fletcher*; and of any Correspondence between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges preferred against that Judge.

SCHEDULE.

- No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Government-House, Montreal, 9 July 1836.—(Six Enclosures) - - - - - p. 80
 No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 22 August 1836 - - - - - p. 102
 No. 3.—Copy of a Letter from Lord Glenelg to the Lord President of the Council, dated Downing-street, 27 August 1836 - - - - - p. 102

— No. 1. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Government House, Montreal, 9 July 1836.

Correspondence
respecting
Judge Fletcher.

Enclosure, No. 1.
Enclosure, No. 3.
Numbered from
1 to 8.

THE House of Assembly having in their late Session again taken up the complaints against the public character and conduct of Mr. Fletcher, as judge of the inferior district of St. Francis, which had formed the subject of their inquiries during the Sessions of 1829, 1830, 1831 and 1832, I have the honour to transmit herewith, for your Lordship's information, copies of an Address presented to me by that body, praying for Mr. Fletcher's removal from office, of the Report and Evidence on which it was founded, being the 7th Report of the Standing Committee of Grievances, and of the several other documents in my possession, which may be required to assist your Lordship in arriving at a decision on this case.

It will be seen from these documents that the charges against Mr. Fletcher have their origin in transactions which occurred in the years 1826, 1827 and 1828; the judge having punished, as for a contempt of court, certain individuals for inserting articles in a provincial newspaper which he considered to be libels on his judicial character and proceedings.

The committee of the House of Assembly, to whom the matter was referred in 1829, in their Report, charged Mr. Fletcher with exercising at the same time the functions of accuser and judge in his own cause, and expressed an opinion that the provincial judge of the inferior district of St. Francis having no criminal jurisdiction, and possessing but a very limited jurisdiction in civil matters, is indeed invested with the power of punishing contempts committed in the face of the court, but has no powers similar to those of the superior courts at Westminster to punish for contempts committed out of court. In these charges and opinions the present House of Assembly concur, and declare Mr. Fletcher to have been, during a series of years, guilty of illegal, violent and vindictive conduct, and of the deliberate abuse of power and oppression laid to his charge, to an intolerable and almost incredible extent; and they addressed me for his immediate removal.

As Mr. Justice Fletcher was not present at any of the investigations into his conduct, my reply to the Address of the House was, that I could come to no decision in the matter until I had heard what the accused had to say in his vindication. The explanations which this gentleman has submitted to me are contained in Enclosures No. 4 and 5; and as I conceived that the principal charge against him depended on the fact whether or not he possessed the same power as the judges of the superior courts in the province and in Westminster-hall, to punish individuals for contempts committed out of court, I referred this question to the law officers of the Crown, who reported that the judge of the provincial court of St. Francis has power to punish by fine or imprisonment, or by both, contempts committed out of court; and that the court being one of record, possesses, in matters of contempt, powers similar to those exercised by the superior courts of Westminster-hall and of this province. The only question therefore that remains to be decided on this

Enclosure, No. 1.

Enclosure, No. 2.

Enclosure, No. 4.
Enclosure, No. 5.

Enclosure, No. 6.
Enclosure, No. 7.

this branch of the charges is, whether Mr. Fletcher exercised his judicial authority in a vindictive or improper manner. His explanation is opposed to this supposition, and contradicts in a general way all the other charges of the Assembly; but on this point I have no other means of arriving at a satisfactory decision than your Lordship now possesses in the documents which accompany or are referred to in this despatch.

On the whole, considering how long ago the transactions took place out of which these charges spring, that the charges themselves have more than once been brought under the notice of my predecessor when the circumstances were comparatively fresh, and their accuracy could be more easily tested, and that they were not then thought sufficiently established to warrant the suspension of the judge, I determined not to disturb Mr. Fletcher in the discharge of his judicial functions, but to submit the whole case to His Majesty's Government, from whom alone a final decision can be obtained; and I accordingly notified to Mr. Fletcher that this was the course I intended to adopt.

Your Lordship will perceive that the 7th Report of the Committee of Grievances, now transmitted, is but a condensed compilation of the former proceedings of the Assembly in this matter, taken from their journals; I would therefore beg to refer your Lordship, in addition to the accompanying documents, to those sources of information, which I believe are within your Lordship's reach, viz.:

Journals of Session 1828-29, pp. 332, 334, and 2d vol. of Appendix (M. m.)

„ 1831, pp. 192, 482, 488, and Appendix (C. c.)

„ 1831-32, pp. 131, 235, 434, and Appendix (W.)

The only additional matter now brought forward against Mr. Fletcher consists of the evidence, at the end of the Report, of Messrs. Short and Kimball, who appear to have been practising barristers and attornies, the one since 1831 and the other since 1834; and of Mr. Silas Horton Dickerson, one of the individuals said to be aggrieved by the conduct of the judge, and who petitioned the Assembly against him. Part of this evidence accuses Mr. Fletcher of gross ignorance of the laws which he is called upon to administer. On the validity of this charge, I, of course, am unable to pronounce any opinion, and can only observe that his judgments, if illegal or erroneous, are subject to correction in a superior court.

The other part of the evidence of Messrs. Short, Kimball and Dickerson, accuses the judge of being actuated in all his proceedings by motives of fear, revenge and prejudice; that he is arbitrary and partial in his decisions, vacillating and insolent in his conduct towards the attornies and suitors in his court, and in all respects unqualified for the office of judge.

With these charges, independently of their vague and general nature, I find myself incompetent to deal. Nor indeed, if the executive possessed, which it does not, the necessary machinery for enabling it satisfactorily to investigate conflicting assertions and disputed statements, do I conceive that it is a proper tribunal for deciding on such cases as the present. From the peculiarly mixed composition of society in this province, and the excited state of party feelings and prejudices, any decision of the Governor in such matters as the present would be little likely to give satisfaction, for it would be received by those to whom it might be unacceptable, as tinged with political or national partiality, and by others as a cause for triumph and exultation, instead of a mere act of unbiassed justice. Under these impressions, I saw no better course than to transmit the whole case for the signification of His Majesty's pleasure.

I have, &c.

Gosford.

Enclosures in No. 1.

Enclosure 1, in No. 1.

To his Excellency the Right Honourable Archibald, Earl of Gosford, Baron Worlingham of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Vice-Admiral of the same, and one of His Majesty's most honourable Privy Council, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects the Commons of Lower Canada in Provincial Parliament assembled, humbly approach your Excellency for the purpose of representing;

Correspondence
respecting
Judge Fletcher.

That since the appointment of Mr. Justice Fletcher to the bench of the district of St. Francis, he has abused the power confided to him, to the injury of His Majesty's subjects, and in manifest violation of his duty to the King.

That he has unjustly and arbitrarily fined and imprisoned divers of the King's subjects for various pretended contempts of his court, and during a series of years, on various pretexts, has vexed and harassed them.

That he has repeatedly sat in judgment in cases originating with himself, and in which he took a personal interest, and pronounced illegal and iniquitous decisions therein.

That he has repeated and aggravated the punishment when the parties on whom his displeasure had fallen applied to a superior court for redress, and that he also extended the punishment to the attorneys of the parties whom he so fined and imprisoned.

That he so vexatiously, oppressively and monstrosly demeaned himself, as to bring the King's name and Government into contempt, and to excite disaffection and disloyalty among the parties subjected to his influence.

That these facts are proved by matter of record, explained indeed by parol testimony, but of itself so conclusive, that we cannot doubt that your Excellency, readily admitting their force and sufficiency, will conclude that Mr. Justice Fletcher is guilty to the extent set forth herein, as well as in the reports of the several committees which have from time to time been engaged in the investigation of the conduct of Mr. Justice Fletcher. With this view we lay before your Excellency the said report, and the evidence on which the same is founded; and we respectfully submit, that if such conduct receive the countenance of His Majesty's Government, if it were not punished in an exemplary manner, the ties which bind that portion of the King's subjects to His Majesty's person and Government must be injuriously weakened, and the most fatal consequences must ensue.

Wherefore we humbly pray that your Excellency will be pleased forthwith to dismiss Mr. Justice Fletcher from office.

House of Assembly, Quebec, }
4 March 1836.

(signed) *L. J. Papineau,*
Speaker of the House of Assembly.

Ordered, that Mr. Gagy, Mr. Child, Mr. Grannis and Mr. Wells do present the said address to his Excellency the Governor-in-chief.

Attest,
(signed) *Wm. B. Lindsey,* Clerk of Assembly.

Enclosure 2, in No. 1.

Gentlemen,

THE charges against the conduct of Mr. Fletcher, as a judge, which are brought under my notice by this address, merit, and shall not fail to receive from me the most attentive consideration. But, as it does not appear that Mr. Fletcher has yet had an opportunity of meeting the evidence adduced against him, or of making his defence, I cannot come to any decision in this matter, until after I shall have heard what Mr. Fletcher may have to say in his vindication, and the whole case shall have thus been brought under my judgment.

Castle of St. Lewis, Quebec, }
11 March 1836.

(signed) *Gosford.*

Enclosure 3, in No. 1.

SEVENTH REPORT of the Standing Committee of Grievances.

ON the entries in the journals of the House of Assembly relating to divers complaints of Silas Horton Dickerson, Francis Armstrong Evans, and Philip Flanders against John Fletcher, esq., provincial judge of the district of St. Francis, being several reports made to the House by special committees thereof on said complaints, on the 12th March 1829, 19th March 1830, 22d March 1831, and resolutions thereon on the 24th March 1831; also another Report made to the House on the 13th February 1832.

The attention of your honourable House was called to the present subject of reference in the year 1829, from which period divers measures relative thereto were from time to time brought under your consideration until the 13th February 1832; on that day a report was presented to your honourable House by a special committee, of which Mr. Gagy was chairman, in which, among other matters, it was respectfully stated to your honourable House that the said committee "considered the investigation in this branch of the legislature as at an end." Your committee infer from this expression, that the said committee considered the evidence then adduced sufficient and conclusive, and the inferences drawn therefrom just and natural. In this opinion your committee fully concur, and they have therefore confined themselves to the work of compiling and bringing under the notice of your honourable House, in a condensed shape, the several proceedings on your journals in relation to Mr. Justice Fletcher.

With this view your committee submit in chronological order the several reports of previous committees, and the resolutions by them offered, together with a list of the witnesses examined, and of all the documentary testimony, referring in each case to the volume and page of the journal or appendix in which the same may be recorded. For the evidence itself your honourable House are respectfully referred to the parts of the journals indicated herein.

On

On the 13th January 1829 Silas Horton Dickerson and Francis Armstrong Evans presented to your honourable House two several petitions against the Hon. Mr. Justice Fletcher, charging him with oppression and other wrongs done by him, not only to the petitioners but to divers of His Majesty's subjects in the district of St. Francis. On the same day these petitions were referred to the same special committee, of which Mr. Vallières de St. Réal was chairman, and Messrs. Louis, Lagueux, Neilson, Solicitor-general (Ogden) and Bourdages, members. During that session the committee examined the following witnesses: Silas Horton Dickerson (one of the petitioners), Henry James Martin, Guy Carleton Colclough, Andrew Lovejoy, Stephen Barnard, Rufus Miner, Samuel Brooks, Charles Henry Frederick Goodhue and Pierre Joseph Cressé. Divers certified extracts from the records of the court in which Mr. Justice Fletcher presides were also laid before the committee. The report (*see Journals*, 1828-29, vol. 2 of Appendix, M.M.) which they submitted to your honourable House, is in the following terms:

"Your committee have heard many witnesses, whose evidence they have now the honour to lay before your honourable House, annexed to this report; but having been unable, for want of time, to complete the examination of all the witnesses whose evidence they think essential upon the different subjects which have been referred to them, your committee think it their duty to refrain at present from giving any opinion founded on this evidence. But as authentic copies of various judicial proceedings, having immediate reference to the complaints of the petitioner, Silas Horton Dickerson, have been laid before your committee, and as these documents prove themselves, without its being necessary to adduce any verbal evidence to support them, your committee would not think themselves justified if they were to refrain from making them the subject of a first report to your honourable House.

"These judicial proceedings are those which were adopted by Mr. Justice Fletcher against the petitioner, Silas Horton Dickerson, against Mr. Evans, Mr. Cressé, Mr. Peck and Mr. Lovejoy, before the provincial court of the district of St. Francis, for contempt of court. They will be found in the appendix hereunto annexed.

"Your committee remark as a circumstance of great importance, that no one of the pretended contempts of court on which these proceedings were founded was committed in the presence of the court.

"Among the acts considered by Mr. Justice Fletcher as contempts of court, some are alleged, in the documents in which they are recorded, as having been committed at a considerable distance from the place or seat of the provincial court of the said inferior district; some are set forth as having been committed in the village of Sherbrooke, or seat of this court; but it has not been pretended that any one of these acts was committed in the face of the court.

"Another observation which appears to your committee to be of importance is, that the provincial court of the inferior district of St. Francis is merely an inferior court of circumscribed powers, and which having only been in existence since the year 1823, under the authority of a local and particular law, cannot exercise other powers than those which have been expressly given, or which necessarily result from its constitution. Thus, your committee do not believe that the provincial court of the inferior district of St. Francis can claim the transcendent powers exercised in matters of contempt by the superior courts at Westminster-hall; for, besides that these courts are superior courts, whose jurisdiction extends throughout the whole kingdom, they exercise those powers by virtue of an immemorial usage, the origin of which is lost in the darkness of ages; while, the provincial court of the inferior district of St. Francis possesses merely a local jurisdiction, and has been in existence during the space of six years only.

"The petitioner Silas Horton Dickerson is the editor of a weekly paper published at Stanstead, in the inferior district of St. Francis; and having happened to insert in his said paper two certain articles relative to the judge and to the court of the inferior district of St. Francis, Mr. Justice Fletcher, considering these articles as an attack upon the provincial court, and upon himself as judge of the said court, made an official order on the 20th March 1826, that Mr. Dickerson should show cause, on the 25th of the same month, why an attachment of contempt should not issue against him. Mr. Dickerson appeared and showed cause, but the attachment issued, and was executed on the same day by the arrest of Mr. Dickerson, who was brought into court and compelled to give bail for his future appearance.

"In the meantime, Mr. Dickerson having expressly acknowledged the act of which he was accused, and having declared that Mr. Francis Armstrong Evans was the author of the articles complained of by the court, Mr. Justice Fletcher, after many deferrals, pronounced him guilty of a contempt of the court of our lord the King, and of his laws, and sentenced him to pay a fine of 5*l.* sterling, and to be imprisoned until the said fine should be paid.

"Mr. Francis Armstrong Evans had been pointed out by Mr. Dickerson as the author of two articles inserted in his weekly paper; and upon this information, supported by two affidavits, Mr. Justice Fletcher issued an attachment for contempt against Mr. Evans on the 27th March 1826; and the sheriff having returned that he could not find Mr. Evans, a new writ was issued, under which he was arrested, and, on the 29th April following, gave bail for his appearance; he was afterwards interrogated on oath, committed to gaol on the 21st of June 1826, and the sheriff was ordered to bring him before the court to receive sentence on the 26th of the same month. After many proceedings and deferrals, Mr. Justice Fletcher, by his judgment given on the 21st September 1827, discharged Mr. Evans on his personal security in the sum of 200*l.*, and ordered the suspension of all proceedings until further order should be made in the case. In the meantime Mr. Dickerson having consulted Mr. Pierre Joseph Cressé, an advocate at Sherbrooke, upon the proceed-

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ings adopted against him by Mr. Justice Fletcher, Mr. Cressé drew up a notice, by which Mr. Dickerson advised Mr. Justice Fletcher of his intention to institute an action against him in the Court of King's Bench at Three Rivers, for having imprisoned him under pretext of a pretended contempt of court; and this notice having been served on Mr. Justice Fletcher, the judge looked upon it as a fresh contempt, and made a rule in consequence, on the 20th September 1826, ordering Messrs. Dickerson and Cressé to show cause why an attachment for contempt should not issue against them; the rule was subsequently made absolute, and the attachment having issued on the 24th of November 1826, was executed by the arrest of Mr. Dickerson and his advocate, Mr. Cressé, who were compelled to find bail for their appearance and good behaviour. These gentlemen were afterwards examined on oath upon interrogatories; and after many proceedings and deferrals Mr. Justice Fletcher, by his order of the 21st of June 1827, discharged their bail, permitted them to go at large upon their personal security, and suspended all proceedings until a new order should be made in the case.

" Mr. Dickerson having afterwards published in his newspaper an article signed 'Observer,' in which the author gave an account of the proceedings for contempt before Mr. Justice Fletcher against Mr. Dickerson and Mr. Evans, and complained thereof as of acts in which the judge had exceeded his powers, Mr. Justice Fletcher thought it right to consider this publication as a fresh contempt, and on the 20th November 1826, made a rule for the issuing of an attachment for contempt against Mr. Dickerson, *nisi causa*, on the 29th of the same month; and this rule having been made absolute, a new attachment issued against Mr. Dickerson on the 28th January 1827, under which Mr. Dickerson was arrested, and compelled to find bail. He was afterwards examined on oath upon interrogatories. At length, on the 29th March following, Mr. Justice Fletcher pronounced him convicted of a contempt, and sentenced him to pay a fine of 10*l.* sterling, to give bail (himself in 200*l.*, and two sureties in 100*l.* each) for his good behaviour during three years, and to be imprisoned until the judgment should be executed; nor was it till the 10th of April following, that Mr. Dickerson procured the acceptance of the bail which he was by the judgment obliged to furnish.

" Another article signed 'Vindex,' published in Mr. Dickerson's newspaper on the 23d November 1826, in which the author professed to give an account of certain judicial decisions of Mr. Justice Fletcher, gave rise to another prosecution for contempt against Mr. Dickerson on the part of that magistrate. The attachment for contempt on this new charge was ordered on the 30th November 1826, but was not, in fact, acted upon before the 20th March following; and Mr. Dickerson having been arrested in execution of this attachment, was compelled to find bail for his appearance, and for other objects. Being questioned on oath upon interrogatories, and acknowledging the fact, Mr. Dickerson was condemned by Mr. Justice Fletcher upon this new contempt, on the 21st June 1827, to pay a fine of 10*l.* sterling, to find bail (himself to the amount of 200*l.* sterling, and two sureties in 100*l.* each) for his good behaviour during three years, and to be imprisoned until the said judgment should be executed.

" In the meantime Mr. Dickerson was advised to serve Mr. Justice Fletcher with a fresh notice, dated the 1st November 1827, informing him that he intended to institute an action in the Court of King's Bench at Three Rivers, for having caused him to be arrested on or about the 20th January preceding, by virtue of an attachment; and it appears that Mr. Justice Fletcher looked upon this step as a fresh contempt, for on the 28th January 1828, he made a rule for the issuing of an attachment for contempt against Mr. Dickerson, in consequence of this notice; and this rule, after having been renewed several times on different occasions, was made absolute on the 20th June last. Your committee, however, do not perceive that this proceeding was carried any further.

" At length, Mr. Dickerson having instituted an action against Mr. Justice Fletcher, in the Court of King's Bench for the district of Three Rivers, for having arrested him by an attachment for contempt, on or about the 25th March 1827, and that court having maintained the plea to the jurisdiction filed by the defendant, and having declared itself incompetent to take cognizance of the cause, it appears to your committee that Mr. Justice Fletcher conceived himself authorized to punish, as a contempt of his authority, the recourse of which Mr. Dickerson had endeavoured to avail himself in the superior court; for they see with pain, that for having served Mr. Justice Fletcher with a previous notice of action, and for having afterwards instituted and prosecuted the same in the Court of King's Bench at Three Rivers, Mr. Justice Fletcher issued another attachment for contempt against Mr. Dickerson on the 27th March 1828, by virtue of which he was arrested, obliged to find bail, examined on oath upon interrogatories, and finally condemned by Mr. Justice Fletcher on the 21st June last to 14 days' imprisonment, to pay a fine of 10*l.*, sterling, and to be imprisoned until the said fine should be paid.

" In the course of the first proceeding for contempt against Mr. Dickerson, he had stated that Mr. Ebenezer Peck, of the city of Montreal, was the author of the article signed 'Vindex,' inserted in the British Colonist. Upon this information Mr. Justice Fletcher made a rule on the 23d January 1828, requiring Mr. Peck to show cause why, on the 20th March following, an attachment for contempt should not issue against him. This rule was renewed on the 20th March 1828, and Mr. Peck was required to show cause on the 20th June following. At length, on the 20th June last, Mr. Justice Fletcher, upon proof that the rule of the 20th March had been served upon Mr. Peck at Montreal, ordered that an attachment for contempt should be then issued; but your committee do not perceive that this business was any further pursued.

" Lastly, a Mr. Lovejoy having been accused before Mr. Justice Fletcher of having uttered

uttered certain words reflecting on Mr. Justice Fletcher, when speaking in a distillery at Shipton in the inferior district of St. Francis, of a cause which had been then recently determined; your committee find that Mr. Justice Fletcher made those words the subject of a prosecution for contempt before himself, against Mr. Lovejoy; and that, after being obliged to find bail for his personal appearance in court, and undergoing interrogation, Mr. Lovejoy was not freed from this prosecution until he had denied on oath the expressions imputed to him.

"Your committee observe that on all these occasions the persons accused were deprived of the benefit of a grand jury; of the means of bringing forward their witnesses, and of the sacred right of being tried only by their peers; that they were forced to give evidence against themselves, and were tried by a judge who believed himself personally injured by them.

"Your committee remark that throughout all these prosecutions Mr. Justice Fletcher, acting as accuser, without the intervention of any law-officer of the Crown, or even of any prosecution whatever, and being the sole judge in his tribunal, exercised at once the functions of party and of judge, that is, he acted as judge in his own cause.

"Your committee are of opinion, that the provincial judge of the inferior district of St. Francis, having no criminal jurisdiction, and possessing only a very limited jurisdiction in civil matters, is indeed invested with the power of punishing contempts committed in the face of the court, and the resistance or abuse of its authority; this power is founded on necessity, since without it an inferior court might be constantly subjected to insult, or impeded in the exercise of its jurisdiction.

"But the case is not the same with respect to a writing published out of the presence of the court and of the judge, or with respect to offensive words uttered in the absence of the judge, and at a distance from the seat of justice; for such offences are not of a nature to interrupt or directly prevent the exercise of the judicial functions: the judge's interference by summary process, contrary to the general rules of the law, cannot be justified by necessity, and the inferior court to which this power has not been expressly granted, cannot exercise it without a dangerous and very blameable excess of jurisdiction. It is true the superior courts at Westminster exercise this power of punishing summarily, and as contempts of court, offences of this kind committed beyond their precincts; but these courts exercise the plenitude of judicial power throughout the whole realm; they have from time to time immemorial exercised this power of summary correction for contempts committed out of court, and as the origin of this power is nowhere to be found, the most ingenious and best informed lawyers are under the necessity of ascribing it to the prerogative of the Monarch, who used formerly to sit in person in the Aula Regis, from whence the superior courts have been derived; and moreover the number, the distinguished rank and profound learning of the judges who preside in these superior courts, offer a safeguard to the King's subjects, and form the corrective of a power so extraordinary, while the judicious and moderate use made of it by the judges is well calculated to allay any on the part of the people of England, with regard to an authority which, in hands less sure, and without this safeguard, might well become the subject of alarm.

"But a similar power in the hands of an inferior judge, sitting alone in judgment upon the man whom he accuses of having injured him, would be as dangerous as it would be contrary to the rules of justice, and could not fail to excite the most serious alarm.

"Since Mr. Justice Fletcher laid claim to powers equal to those of the superior courts at Westminster, he ought, like them, to have refrained from acting the part of an accuser; he ought, like them, to have acted only in case of public prosecution, and to have left it to the King, by whom the public is represented, to decide whether the case was deserving of inquiry and of public animadversion; but, instead of adopting this conduct, he himself received his own complaint, and did not hesitate afterwards to judge between himself and the persons he had accused.

"No man can be judge in his own cause, said a Lord Chief Justice equally celebrated for his learning and his patriotism, for it is a manifest contradiction that a man should be the author of an act by which he is himself to be the sufferer; and what was said by Lord Coke, in Dr. Benham's case, is far from being extravagant, for it is a very reasonable and just opinion, that if it should be enacted by an Act of Parliament that the same person should be party and judge, or which comes to the same thing, should be judge in his own cause, this Act of Parliament would be null.

"Your committee are of opinion, that John Fletcher, esq., provincial judge of the inferior district of St. Francis, is guilty:

"1st. Of having usurped a criminal jurisdiction, having exceeded his powers by taking judicial cognizance of pretended contempts of court alleged to have been committed by Silas Horton Dickerson, Francis Armstrong Evans, Pierre Joseph Cressé, Ebenezer Peck, and Andrew Lovejoy.

"2dly. Of having harassed and oppressed several persons by causing them to be imprisoned under colour and pretext of these pretended contempts of court.

"3dly. Of having himself unlawfully acted as accuser and as judge, and given judgment upon his own complaints against the said persons for the said pretended contempts.

"4thly. Of having arbitrarily and unlawfully punished the said Silas Horton Dickerson, by fine and imprisonment, because he had instituted an action of damages against the said John Fletcher in the Court of King's Bench at Three Rivers, for having inflicted upon him the pain of imprisonment for a pretended contempt of court.

"5thly. Of having arbitrarily and illegally condemned the said Silas Horton Dickerson to pay several fines for these pretended contempts, and of having compelled him to pay the said fines by the imprisonment of his person.

6thly. Of

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" 6thly. Of having, by these excesses of power, illegal acts, and arbitrary encroachments, upon the authority of the King and of his superior courts, perverted and abused His Majesty's authority and justice, and exposed his government and laws to the reproach and contempt of the inhabitants of this province.

" 7thly. That Mr. Justice Fletcher ought to be deprived of his office of provincial judge of the inferior district of St. Francis.

" 8thly. That steps should be taken by His Majesty's Government for repairing the wrongs committed by the said John Fletcher towards the said Silas Horton Dickerson, Francis Armstrong Evans, Pierre Joseph Cressé, Ebenezer Peck and Andrew Lovejoy."

On the 19th day of March 1830 the following report (*see Journal 1830, p. 357*) was submitted to your honourable House:

" Your committee have examined the evidence adduced before them in support of the petition of Silas Horton Dickerson, and likewise the documents submitted to the committee named by the House in last session; but from the advanced state of the session, your committee do not deem it expedient to recommend that any steps be now taken by the House, but consider that the interests of His Majesty's subjects, particularly those residing in the inferior district of St. Francis, imperiously demand that the accusations brought against Mr. Justice Fletcher should be thoroughly investigated at the opening of the ensuing session, and such proceedings thereon had as the nature of the accusations and the evidence offered will call for."

On the 22d day of March 1831, the following report (*see Journal 1831, p. 432*) was submitted to your honourable House:

" Your committee, deeming it essential that the long existing difficulties and complaints of the inhabitants of the inferior district of St. Francis, connected with the proceedings of Mr. Justice Fletcher in the provincial court of that district, should be determined, have thought fit, without entering into the examination of any further testimony, to report, to the end that tranquillity and confidence may be restored to the inhabitants of that important part of the province.

" Upon reference to the proof adduced, your committee find that the complaints made out against Mr. Justice Fletcher are of a very grave character, and demand, in the opinion of your committee, a speedy redress.

" The language of threats and alarm of Mr. Justice Fletcher directed to the individuals brought before him to answer to pretended complaints, and to such persons as were disposed to enter into bail on their behalf, evince that he was actuated by feelings of revenge, and was desirous that the individuals whom he was pursuing should suffer in an extreme degree, and should be denied that protection afforded them by the law of the land, which it should be the first duty and desire of a judge to hold out to every individual.

" Your committee regret to find that this fact is clearly established by the testimony of several individuals, and in a manner which leaves but little doubt upon the minds of your committee, that Mr. Justice Fletcher was on those occasions under the influence of feelings derogatory to his character as a judge, and dangerous to the repose and safety of the community.

" Your committee find that on several occasions, in open court, Mr. Justice Fletcher has applied the most abusive epithets to the inhabitants of the district of St. Francis, calling them "brute men of the forest," and has used other most insulting and indecorous language in relation to the said inhabitants, tending to increase discontent and dissatisfaction among the people, and destroying their respect for and confidence in the said court.

" The testimony goes far to show that Mr. Justice Fletcher has on several occasions swerved from that direct line of justice and impartiality in the proceedings of his court which on all occasions ought to regulate the conduct of a judge; and one occasion, upon the decision of a suit between one Nathan Parker and Mr. Witcher, sheriff of the district, the judge went so far as to take the word of Mr. Witcher (while he had examined the adverse party on oath), and proceeded to render his judgment upon the simple declaration of Mr. Witcher; at the same time asking the plaintiff (Parker) how he dare bring an action against an officer of his court, and threatened to commit him to gaol.

" Among the several punishments for pretended contempts inflicted upon different individuals by Judge Fletcher, your committee find one, if possible, more extraordinary and unheard of than any others; it was in the case of an individual of the name of James Molton, who was fined by the judge in the sum of 5s. sterling, assigning as a reason, that he did not like his countenance.

" Your committee are of opinion, that John Fletcher, esq., provincial judge of the inferior district of St. Francis, is guilty of being partial and arbitrary in his decisions as a judge of the said court, and has acted in open violation of the laws he was bound to administer and respect.

" That the proceedings of the said John Fletcher, esq., and the judgments and orders by him made and rendered against Andrew Lovejoy and James Molton, are arbitrary, illegal and unprecedented, and are subversive of the rights and liberties of His Majesty's subjects.

" That the facts alleged in the petitions presented by Silas Horton Dickerson and Francis Armstrong Evans, if true, are sufficient to require that the said John Fletcher, esq., be deprived of the office he now holds.

" That an humble address be presented to his Excellency the Governor-in-chief, praying that his Excellency will take the matters of complaint brought against the said John Fletcher, esq., into his most serious consideration, and adopt such proceedings as will afford immediate relief and protection to that portion of His Majesty's subjects who reside within the jurisdiction of the court over which the said John Fletcher, esq., now presides."

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The last report (*see Journal 1831-32, p. 434*) was submitted to your honourable House on the 13th February 1832, and is in the following terms:

"Your committee have perused the petitions against the Hon. John Fletcher, and the evidence on your journals, as well as the several reports founded thereupon made to your honourable House; your committee have also considered the addresses presented to the Governor-in-chief during the last and present sessions, together with his Excellency's answers, and the documents transmitted therewith. Although at an earlier stage of the subject of this reference, and previous to its being so often and fully canvassed as it has since been, it might have been incumbent on your committee to have submitted to your honourable House, in detail and at length, the ground and reasons of their opinion, your committee will refrain from making many observations on the present occasion.

"Your honourable House having received a mass of evidence now on your journals, and concurred in the reports of previous committees thereon, your committee have considered the investigation in this branch of the Legislature to be at an end. The attention of your committee has also been particularly directed to the opinion pronounced by your honourable House, and embodied in a series of resolutions founded on the evidence.

"Referring to these resolutions, and more especially to those upon which the address to his Excellency the Governor-in-chief has been predicated, your committee have conceived it to be their duty in the first place to ascertain whether the measures adopted by your honourable House have been attended by any results.

"Your committee are bound to report that an opportunity has been offered to the said honourable judge of disproving or explaining the facts in evidence against him, of which the said honourable judge has not availed himself; nor do your committee perceive that the rights of the King's subjects have been vindicated in relation to the said judge. Your committee, guided by the testimony and resolutions on your journals, have therefore considered it to fall within their province to suggest a mode of giving effect to the latter.

"Your committee deem it incumbent on them to report, as their deliberate opinion, founded on the evidence of record, that it is inconsistent with the interests, and incompatible with the security, of the King's subjects in the inferior district of St. Francis, that the said judge should continue to preside in the courts of that district.

"Your committee have therefore prepared, and now submit, the following resolution:

"Resolved, that it is the opinion of this committee, that an humble address be presented to his Excellency the Governor-in-chief, praying him to be pleased immediately to suspend the said Hon. Judge Fletcher from the exercise of his judicial functions as provincial judge of the inferior district of St. Francis, until such time as it may please His Majesty to sanction the Bill passed by the two Houses of the Legislature during the present session, for assuring the independence of the judges, and for constituting a tribunal for the trial of impeachments, and thence until the close of the next session of the Provincial Parliament, and that during the said next session of the Provincial Parliament this House will demand the concurrence of the Legislative Council in an address for the removal of the said judge from office, and that in case such concurrence should be refused, this House will bring and prosecute to judgment before the said tribunal articles of impeachment against the said Hon. Judge Fletcher, in the manner by law provided."

Your committee fully concur in the said several reports made to your honourable House, and in the resolutions founded thereon; but your committee is bound to add, that in their opinion there was no sufficient ground for the doubt which may be inferred from the words "if true," in that part of the report submitted to your honourable House on the 22d day of March 1831, relating to the conduct pursued by Mr. Justice Fletcher to the petitioners Dickerson and Evans. Your committee admit that the evidence was taken in the absence of Mr. Justice Fletcher; but they must remark that the petitions were presented to your honourable House nearly seven years ago, and that it was competent to Mr. Justice Fletcher to have appeared, had he seen fit. Upon the whole, your committee are of opinion that the Hon. John Fletcher has been, during a series of years, and is guilty of illegal, violent and vindictive conduct, and of the deliberate abuse of power and oppression laid to his charge, to an intolerable and almost incredible extent.

Your committee would further remark, that the evidence taken during this session, which they submit in an appendix, has made it more imperatively their duty to call on your honourable House to afford to His Majesty's subjects in the district of St. Francis that protection to which they are entitled.

On these grounds your committee respectfully recommend that an humble address be presented to his Excellency the Governor-in-chief, accompanied by this report and all the evidence, praying that his Excellency will be pleased forthwith to remove Mr. Justice Fletcher from office.

The whole, nevertheless, humbly submitted.

29 February 1836.

(signed) A. Gagy, Chairman.

MINUTES OF EVIDENCE.

Tuesday, 16 February 1836.—MARCUS CHILD, Esq., in the Chair.

Edward Short, Esq., called in; and Examined.

Do you practise as a barrister and attorney before the provincial court of the district of St. Francis?—I do.

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Since when? and is your practice extensive?—I have done so ever since the summer of the year 1831, and I believe my practice to be as extensive as that of any member of the bar in the district of St. Francis.

Having had frequent opportunities of witnessing the proceedings and the conduct of the provincial judge of that district, Mr. Fletcher, will you inform the committee of your opinion of those proceedings of the said judge?—I have; and from what I have seen of him, I consider that he is either grossly ignorant of the laws which it is his duty to administer, or that he feels a sovereign contempt for them; that he is arbitrary and vacillating in his decisions, and insolent in his conduct towards the attorneys and suitors who appear before him, and that he is in all respects unqualified for the office of judge.

What facts can you cite in support of that opinion?—On one occasion a petition was presented, in 1831 or 1832, by Samuel T. Gilman, praying that a curator might be appointed to manage an estate, to which he declared himself the sole and only heir; and the judge, notwithstanding the declaration of the said Samuel T. Gilman, that he was the sole heir to the said estate, proceeded to the appointment of a curator, as prayed for in the said petition, as if the said estate were vacant. On another occasion the said judge refused to pronounce judgment in a cause which was ripe for judgment, because the plaintiff was dead, stating, "that the judgment of courts of justice could not extend beyond the grave," and obliged the executor of the plaintiff to resume the instance, and make probate of the will of the plaintiff, although the said will was a notarial act, and already authenticated. On another occasion, in vacation, when by law the judges had no right to decide on the merits of any cause, the said judge refused to take an affidavit in support of an opposition, and to grant an order for the suspension of proceedings on the execution against which the said opposition was offered, which affidavit and order are prescribed by a rule of practice made by him, on the ground that the matters complained of in the said opposition ought not to be the subject of an opposition, but of a special action; and afterwards, in term, dismissed the said opposition, for want of said affidavit and order. On several other occasions the said judge has refused to admit oppositions *afin de conserver* to be filed, stating, as his reason for such refusal, that if he should admit an opposition *afin de conserver* for 5 *l.*, he might be required to allow one for 500 *l.*, which would exceed the jurisdiction of the court, and therefore had come to the resolution not to admit them at all. On several occasions the said judge has dismissed actions brought before him for a balance under 10 *l.* sterling, on the ground that the original amount of the debt exceeded the jurisdiction of the court; and in other cases, of the same nature, the said judge has pronounced judgment in favour of the plaintiff on several occasions. In cases not of a commercial nature the said judge has refused to adhere to the rules of evidence laid down by the French laws; has insisted upon applying the English rules of evidence. The said judge has frequently refused to hear or look at legal authorities which were offered by the members of the bar; and on one occasion he said to me, in open court, that I might save myself the trouble of citing authorities, as he should decide that those authorities were either not law, or not applicable to the case in hand. The said judge refuses to record defaults against parties called in to answer to interrogatories *sur faits et articles*, unless the rule and interrogatories have been personally served on the said parties, by means of which dishonest parties are induced to avoid personal service, and long and injurious delays are occasioned in the recovery of debts. The said judge also refuses to allow execution to issue on judgments which have been rendered more than a year, until after a rule to revive the said judgment has been served on the parties condemned, by which means dishonest parties are enabled to secrete the property they may have, and creditors are deprived of their debts. The said judge also refuses to allow attorneys employed to superintend the execution of commissions *rogatoires* directed to him, to be present at the execution of the same. The said judge also refuses to tax witnesses subpoenaed or summoned to give their evidence before the provincial court, in cases where the amount claimed is under 10 *l.* sterling, stating, as his reason, that the Act of the Provincial Parliament, by which the tariff of the provincial court of the said district is established, has taken the power to do so out of his hands, by which means creditors are often induced to forego the prosecution of their claims, rather than make themselves liable for the expenses of the witnesses whom it would be necessary to adduce to prove those claims. The said judge also persists in issuing writs of *capias* and attachment returnable in the provincial court, contrary to the terms of the statutes establishing the said court, and in hearing and determining the same. That frequently when appeals have been instituted from judgments of the provincial court, and security has been offered to the said judge, the said judge has endeavoured to dissuade the persons offered as such security from becoming bail. That formerly the said judge refused to take cognizance in the said provincial court of actions upon notes, accounts or contracts which had been made, contracted or incurred, at any place without the limits of the district of St. Francis, although the said provincial court had, by law, jurisdiction over all matters of a personal nature, where the amount claimed did not exceed 20 *l.* sterling; and now, that he is obliged, by a declaratory Act of the Provincial Parliament, to take cognizance of such matters, he still refuses to entertain actions on claims arising without the limits of the said district, which do not fall clearly within the letter of the said declaratory Act, although clearly within its spirit. The said judge refuses to conform to judgments of the Court of King's Bench for the district of St. Francis, rendered in appeals from judgments of the said provincial court, and reversing the same in cases where the same questions came again under the consideration of the said provincial court, saying, that he is bound, by his oath, to judge according to his own opinions, and not according to the opinions of the judges of the Court of King's Bench, of whom, on these occasions, he speaks with ridicule and contempt. The said judge is in the habit of grossly insulting the bar,

bar, by sneering at some of them, ridiculing others, and paying compliments to others, whilst he dismisses the actions which they bring before him. The judge is in the habit of insulting the people of the district, by accusing them in open court of fraud, and every species of villainy. The said judge persists in reducing to writing the evidence of witnesses in causes of all classes in the provincial court, and thereby consumes so much time, that with difficulty can 10 or 12 causes, for the most part, be concluded in each of the terms of that court. The said judge holds, that an act passed before notaries by one person for another, without a power of attorney from that other, is an absolute nullity, and cannot be made good by any subsequent ratification, and on that ground has dismissed actions. The said judge holds that a defendant who appears on the *tertius dies* after the return of the action against him, and takes off the first default, is obliged to plead to the merits on the day of his appearance. The said judge has frequently refused to allow causes set down for proof on a certain day, to be continued on the roll *des enquêtes* on account of the absence of material witnesses, who had been regularly subpoenaed, and has dismissed said causes, stating that there was no injustice done thereby to the plaintiffs, inasmuch as they still had that recourse against the witnesses who had not attended. There is a tariff of fees in the provincial court, framed by the said judge, which, as it appears to me, and as is generally believed, the said judge has converted into an instrument to control the conduct of the members of the bar, and the officers of the court, as is clearly shown by the variations which have taken place in the taxation of costs, in like cases under the said tariff. The said judge refuses altogether to tax costs in causes under 10 *l.* sterling, and yet holds the parties responsible for the charges made by the different officers, and has set aside executions on account of overcharges. For the reason above stated, and numerous others which might be stated, the said judge is almost universally disliked by the people of the district, who have withdrawn from him their confidence, and has become suspected to such a degree by some of the members of the bar, that they hesitate to bring before him actions of the plainest and most simple kind, fearful that, how just soever the right of action may be, some pretext will be sought by the judge to dismiss them.

What is the judge's temper and character?—The judge is of a suspicious petulant temper; and I have a bad opinion of his judicial character.

In consequence of the reasons which you have assigned for not bringing many actions, are not many persons in that district thereby prevented from recourse to the law for the collection of debts?—Yes, I have found it to be the case frequently.

On what law or authorities does the judge ground his decisions?—It is very hard to say; but almost all the authorities cited by him are English.

Does Mr. Fletcher show any respect for the laws he is sworn to administer?—I have already said that I think the judge is either grossly ignorant of those laws, or feels no respect for them.

Do you consider that the English law, or the English authorities which Mr. Fletcher cites, are and ought to be the rule of decision in the district of St. Francis?—Cases do occur in the district of St. Francis which ought to be governed by English law; many cases occur there also in which English law ought not to be the rule of the decision; such, for example, as all personal actions not of a commercial character.

What cases occur which ought to be governed by the English law?—I am of opinion that the laws of England, with some alterations, govern cases relating to land held in free and common soccage, and that the English rules of evidence apply to matters of a commercial nature.

Do you think that commercial cases ought to be governed also by the English law?—I think not, except as to evidence.

In what cases do you consider that the French laws ought to be the standard of decisions in your district?—In all personal actions, and actions relating to moveable property (except those of a commercial character, to which the English rules of evidence apply), in cases relating to titles to free and common soccage, lands acquired antecedent to the passing of the Act of the Provincial Parliament for the granting of titles; and there are some cases also over which, in my opinion, the French and English laws have a sort of *divisum imperium* given by the said provincial Act; but these are matters involved in uncertainty, and about which doubts are entertained.

Can you furnish the committee with the tariff which you alluded to in your fourth answer, as used by the judge to oppress the bar and officers of the court?—I cannot, not having a copy of it.

Have you anything to add to the evidence you have already given on the character and conduct of Mr. Justice Fletcher?—I do not think it necessary to add anything to what I have already stated, as all I could state would only serve to illustrate the opinion which I have already expressed in reference to the judge.

Thursday, 18th February 1836.

Edward Short, Esq., again called in; and Examined.

CAN you give the titles of some of the cases which you have mentioned, in which, in your opinion, the judge has set aside the laws he is bound to expound and administer?—The will referred to in my fourth answer is the will of Alpheus Smith, late of Shipton; the opposition referred to in the fourth answer was an opposition of William Fling, in the cause

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of Fling and Whitcomb *versus* one Eastman. When I return I shall furnish the committee with the particulars of cases referred to in my answers. Two of the cases mentioned I will now furnish: one is the case of Goodhue *versus* Symmes, the other Samuel Marcy *versus* Tristram Vincent; another case of Guky and Dickerson *versus* George Kimball and Wife. In this last case the judgment was rendered contradictory to the two former cases.

In your evidence on the 16th instant, you stated that the said judge did not respect the opinions of the Court of King's Bench in cases appealed from the provincial court, saying that he is bound by his oath to judge according to his own opinion, and not according to the opinions of the judges of the Court of King's Bench, of whom on those occasions he speaks with ridicule and contempt; will you state the words he has used on any such occasions?—I do not know that I can state the precise words, but I will do so as nearly as my recollection will serve me. The judge of this court, it must be remembered, is the judge of an inferior court, and no doubt it is to be presumed that he is inferior in point of talent and learning to the judges of the Court of King's Bench, although he has now been sitting in courts of justice for nearly half a century; but most probably the judges who reversed the judgment then alluded to have received their education at seminaries of learning far superior to those in which the judge of this district received his education. There can be no doubt that they have had better advantages and opportunities than the judge of this district. These remarks were made in an ironical tone and manner, which would not be misunderstood by any one that heard him.

Was it not considered by the audience in court on such occasions, that such ironical language was highly indecent, spoken as it was by a judge on the bench; and did it not produce a general sensation of disgust upon the hearers?—Such language coming from the bench could not fail to produce a disgust in the candid and well-judging part of the audience, and did so; and in the other part it produced mirth and laughter.

You have stated that the said judge is in the habit of insulting the people of the district, by accusing them in open court of fraud and every species of villainy; will you state the words which the said judge has used on any such occasions?—I cannot remember precisely the words the judge has made use of on such occasions, but they were of an offensive nature, and such as no judge ought to make use of, as I think. For instance, in cases where fraud was alleged in defence, and afterwards no attempt had been made to prove it, the said judge is in the habit of saying, "Fraud has not been proved, but it is very likely that the grossest fraud has been committed, which occurs in nine cases out of ten; for things take place in this district which do not occur in any other part of the world."

Is it to special cases brought before him that the judge applies this accusation of fraud, or, on the contrary, is it not rather to the general transactions of the people in this part of the country, and in the view to hurt the feelings of the people at large?—I understand the judge applies these remarks to the common business transactions of the people of the district; and I cannot suppose them to be made with any other view than that of injuring and offending the feelings of the people.

Does the judge respect, when on the bench and in his court, the constituted authorities of this province?—I heard him speak on the bench of the House of Assembly in an ironical way, calling them "that body of wise men you have sent to legislate for you;" and saying on other occasions, when some difficulty has arisen as to the interpretation of some Act of Parliament, "I do not know that the judge of the district of St. Francis can help you, but it would be the business of the judge to alleviate as much as possible the mischiefs inflicted on you by your legislators;" and I have frequently heard the judge express himself in the same disrespectful manner of the House of Assembly. And I will add, that in my opinion the judge does all in his power to defeat the intentions of the Legislature, as expressed in the laws passed by it for the district of St. Francis.

Saturday, 20th February 1836.

George Kimball, of Sherbrooke, Esq., Barrister at Law, called in; and Examined.

Do you practise as a barrister and attorney at the court in the district of St. Francis?—I do.

How long?—Since 1824, with the exception of two summers in 1826 and 1827.

Have you had frequent opportunities of witnessing the proceedings and conduct of the provincial judge of that district, Mr. Fletcher?—I have.

Will you state to the committee what you know of the proceedings and conduct of the said John Fletcher, esq., provincial judge of St. Francis?—I think his conduct has been bad; and there appears to be three predominant principles which govern all his proceedings as a judge; namely, fear, revenge and prejudice.

In what cases has he decided under the influence of fear; please state at full length the particulars connected with any case or cases within your knowledge?—In the case No. 11 of the provincial court, Hamilton *versus* Martin. This action was instituted to recover 3*l*. for the price of 2,000 bricks, which was stated in the account annexed to the declaration, but the same were delivered by Jos. Deman. By the evidence adduced in the cause it appeared that the defendant agreed to take 2,000 bricks of the plaintiff, and that the plaintiff was to get them of a person of the name of Hanlin, and Hanlin was to get the bricks of one Deman; and it also appeared by the evidence of the said Deman that he never delivered any bricks to the defendant, but he delivered the bricks in question to Mr. C. B. Felton upon

upon the order of the said Hanlin, and it also appeared that Mr. Felton purchased the bricks of Hanlin. Judge Fletcher stated, that as the defendant never got the bricks the action must be dismissed. Immediately after the judge thus expressed himself, the plaintiff and his attorney expressed great dissatisfaction by words and gestures; so much so, that the judge was induced to take the cause *en délibéré* until the next day, when he gave judgment against the defendant, saying that the defendant inquired of the said Deman (when on the bridge at Sherbrooke) if he had any bricks belonging to Mr. Hamilton or Mr. Hanlin. Mr. Deman's answer being in the affirmative, he thought it amounted to a delivery of the bricks. Mr. James Hallowell, the attorney for the plaintiff, was then on very intimate and friendly terms with the judge and his family.

What could the judge be afraid of from the plaintiff and his attorney?—He was afraid of losing the friendship of the attorney, and of an assault from William Hamilton, the plaintiff, as I have reason to believe from a letter menacing the judge, which I saw in Hamilton's possession. Hamilton was then custom-house officer at Sherbrooke. I could state many other cases of a similar character to the committee, if required.

In what case has the said judge appeared to decide under the influence of revenge, also, as before, stating the particulars?—In the cases No. 705, Hollis Smith *versus* Lovejoy; No. 706, Smith *versus* Lebbe; No. 672, Smith *versus* Adams; and No. 671, Smith *versus* Lord. Each of these four cases were instituted in the provincial court in September 1833, upon a promissory note under the statute made and signed by the defendant in each case, and payable to one John Foster Dresser, who endorsed the several notes in blank. Afterwards they became the property of the plaintiff in those several actions. Before the institution thereof I filled the blank endorsement, writing over the name of the endorser, "pay the within to H. Smith, or order, for value received." I also added the date and place. In the case 671, Smith *versus* Lord, the judge dismissed it with costs, declaring that he dismissed this action in consequence of the blank endorsement being filled by me, and ordered the note to be impounded, and stated that I had been guilty of forgery; but it was not for him to punish this offence; it was for another court of a different jurisdiction to take cognizance of such offence. There were a great many persons at court at the time the judge made these remarks. It was with a great difficulty that I obtained permission to discontinue the other three cases; the judge ordered the prothonotary to keep the notes, and prevent their being withdrawn from the records. In one of these cases, No. 705, Smith *versus* Lovejoy, which had been discontinued (the action was brought for 10 *l.* currency) on the 14th August 1835, the interest added to the principal amounted to 11 *l.* 2 *s.* 3 *d.* currency. I instituted an action in the King's Bench on the same note, and obtained a judgment. I know many other similar cases that I could state if the committee required; among the number I will cite only one more, where it will appear that the judge went to a great length to revenge himself on me; in the case No. 402, Goodhue *versus* Symmes, in the provincial court. This action was for the balance of an account less than 10 *l.* sterling. The plaintiff's account, before the balance was struck, exceeded 20 *l.* sterling. To this action the defendant pleaded the general issue. The judge perceived that the original amount of the plaintiff's account exceeded 20 *l.* sterling; he *ex officio* dismissed the action with costs, saying that he could not, nor would not, investigate an account while the original amount exceeded the jurisdiction of the court. Messrs. Peck and Short were for the plaintiff, and I was for the defendant. In the same court, cause No. 35, Marcy *versus* Vincent. This action was instituted upon an award of arbitrators for a sum less than 10 *l.* sterling; the defendant pleaded payment. The judge *ex officio* dismissed this action with costs, declaring that the amount referred to the arbitrators was above the jurisdiction of the court; that he could not investigate the decision of the arbitrators, where the amount of the party's claims respectively exceeded the jurisdiction of the court. Mr. Short was for the plaintiff, and I was for the defendant. In the case of Gagy *versus* Kimball: this action was instituted for a balance of a bill of costs (for a sum less than 10 *l.* currency), which had been taxed in the court of appeals at a sum exceeding 30 *l.* currency. The defendant filed an exception to the jurisdiction of the court, and cited the above cases, Goodhue *versus* Symmes and Marcy *versus* Vincent, as precedents for the court to decide in this cause. The judge saw there were persons concerned in this cause very different from those in the other two cases, and declared that this case was fully within his jurisdiction, and maintained the action in its fullest extent. The judge expressed great satisfaction that this action had accrued in defending my property against a secret mortgage of third persons, arising out of the French law in force in this province; and he said I had frequently expressed a very high opinion of the French law, and that I was the first to suffer in that district by a secret mortgage. I do not wish it to be understood that I considered the two first decisions to be correct.

In what case has the said judge appeared to decide under the influence of prejudice also, as before, stating the particulars?—In the case of Griffith *versus* C. B. Felton, and Felton opposant. The bailiff to whom the execution was directed in this cause made a special return, viz. that Mr. Felton, the prothonotary of the provincial court and opposant in this cause, was a great friend of the judge, requested the bailiff to seize his cow, and went with him for that purpose to the barnyard of Mr. Willard, where Mr. Felton pointed out the cow which was seized. Afterwards Mr. Felton filed an opposition to the sale, stating that the cow seized was the only cow of which he was possessed, and as such was exempt from seizure. The judge maintained the opposition, and refused to allow the bailiff to be examined in proof of the fact that the opposant had directed him to take the cow in execution, and holding that the return which the bailiff had made could not be taken as evidence of that fact. I could cite many other cases, if the committee desire it.

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Judge Fletcher.

Does the judge of St. Francis merit and possess the confidence of the people of that district?
—He does not.

Do the people at large in that district partake of opinions and impressions similar to those you have expressed to the committee?—I think they do more or less, according to the opportunity they have had of observing the judge's acts and character.

Is not the said John Fletcher, esq., reputed by the people at large in his district as unfit for his situation as a judge?—Yes, I think he is.

Wednesday, 24th February 1836.

George Kimball, Esq., again called in; and Examined.

HAS the general conduct of the judge since he has been accused for the first time been the same, and such as to give room to complaints against his official conduct?—Yes.

Are there any written rules of practice in the courts of St. Francis? if so, by whom made, and by what authority?—In the provincial court the judge stated they should follow the rules of practice as established at the courts of Quebec, except such as have been altered and established by the judge himself; but in fact the judge follows no rule, except such as dictated by his caprice.

Was not the said judge in the habit of insulting people in open court, and in what manner?—Yes; he is in the habit of insulting the inhabitants of the country generally. He is almost daily in the habit of making use of expressions conveying the idea that the inhabitants of the district of St. Francis are very immoral, and are capable of committing almost any crime. He has frequently stated that they were like "brute men of the forest," that there is nothing too bad for them to be guilty of, that such conduct would be found nowhere else; and he has been in the daily habit of insulting the advocates in court, and at other places where they had occasion to transact business with him.

Has not the said judge frequently spoken with contempt, and in an ironical way, of the other tribunals in the province, and superior to that of St. Francis?—Yes, and has stated frequently that he is not bound by any proceedings or judgments of any superior court in this province, and that he should judge for himself in all cases. I have in some cases wished to proceed according to the decisions and proceedings in the King's Bench of the district of St. Francis; the judge has prevented it by ridiculing the decisions and proceedings of that court.

Does not the said judge speak with contempt of the laws which he is called to administer as a judge?—Yes; the judge says, that the French laws in force in this country were the laws of France at the time of Louis the Fourteenth, at which time there was the greatest debauchery and immorality in France that ever was in the world, and makes use of many other expressions of the same import, characterising the French laws in force in this province to be bad.

Monday, 29th February 1836.

Mr. Silas Horton Dickerson, called in; and Examined.

ARE you the person that petitioned the House of Assembly in 1829, complaining of the conduct of Mr. Justice Fletcher?—I am.

What further evidence can you give on the character and conduct of the said judge?—I have not had occasion to observe the conduct personally of Mr. Justice Fletcher very frequently since I first brought the subject under the consideration of the House of Assembly, as he has not since that time proceeded in the cases of contempt previously commenced against me, and left undecided; I could, however, mention one case as exhibiting his feelings and conduct towards myself in the year 1834. An action for debt on account was instituted against me in the provincial court; a great part of the account was for house-rent, charged at more than the actual value: there was no agreement as to the price to have been paid, nor did the plaintiff attempt to prove the value; in fact, he had no proof, and called upon me to answer upon *faits et articles*. In my answers, which were not rejected by the plaintiff, I stated the rent to be worth one-half that was claimed. I also adduced other testimony, which corroborated mine as to the value of the rent. I also stated in my answers that I paid certain sums to the plaintiff, the admission of which, with the rent it was proved to be worth, would have left a balance in my favour. My account was not allowed, except so far as was credited by plaintiff; the rate claimed for rent was allowed, and judgment rendered against me accordingly. I do not think that the conduct of the judge is better calculated to give satisfaction than it was previous to the bringing of the complaints before the House of Assembly.

What is the opinion among the great body of the people of that district at the present time of the character and conduct of the said judge?—I have frequent communication with the people in almost every part of the district; the opinion which generally prevails is, that Judge Fletcher is influenced in his decisions by partiality and prejudice, consequently, does not possess the confidence of the people of the district in his administration of justice. I have reason to know that a very great proportion of the people of the district wish on that account the removal of Judge Fletcher from the bench.

Was

Was the judgment to which you allude considered by those persons who heard it, and knew the facts of the case, partial and vindictive?—It was so considered.

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respecting
Judge Fletcher.

Enclosure 4, in No. 1.

Sir,

Sherbrooke, 20 April 1836.

I HAVE to acknowledge the receipt of your letter of the 12th inst., inclosing a copy of a most extraordinary document, purporting to be an address of the Provincial Assembly to his Excellency the Governor-in-chief, impugning my character and conduct as the judge of this district, in the most unmeasured terms, and concluding with praying for my dismissal from that office, which I have now holden for 13 years last past. This communication is accompanied by a printed pamphlet of near 20 folio pages, containing a copy of a previous report on which the address is stated to have been founded, together with the evidence (as that illustrious body is pleased to call it) which was adduced before the committee on that occasion.

It may be right, perhaps, to apprise you that these papers only came to hand yesterday, it appearing, from the post mark at Quebec, that they were too late for the mail of the 12th; the post for this part of the province sets out from Quebec twice a week only, on Tuesdays and Saturdays, and arrives here generally on the third day following; that is to say, on the succeeding Friday or Tuesday, unless delayed by an unusually bad state of the roads.

The only witnesses who appear to have been examined during the last session are Edward Short, George Kimball, and Silas Horton Dickerson, and, if it were possible to lay aside the disgust which such gross falsehood and misrepresentation must of necessity excite, I should say that any person in my station who was thus accused, ought rather to feel gratified at the intrinsic refutation of their own calumnies which is contained in the testimony of these men.

With regard to the statement of Mr. Edward Short, the dogmatism and effrontery with which he advances the most absurd positions, and the scurrility and abuse which he vomits forth against any who may have too much knowledge of the subject to admit them, are so highly characteristic, that, if the name of the author was omitted, no one who is acquainted with the man could hesitate with regard to the person to whom it was to be attributed. It must, evidently, have been impossible for me, in the very few hours which have elapsed since the receipt of these documents, to enter minutely or largely into the enormous mass of foul slander which they contain; but it requires only a single glance to detect some of the fallacies which occur in every line. Mr. Short says, for example, that the judge refused, for some years, to entertain suits in the provincial court where the causes of action arose out of the district; most undoubtedly he did. Can any man who reads the statute by which the district was created and the court established, entertain a doubt that it was a court of local jurisdiction, or that any judgment founded on a cause of action arising out of that jurisdiction would have been erroneous and void? This gentleman also complains that the judge declined to receive a notarial copy of a will as of equal authenticity with the probate; assuredly the judge would so act if he was in any degree competent for the execution of his duty; a man might make 20 wills in a month before different notaries, and the one produced might have been the first of the series; whereas it is essential, in order to the obtaining of a probate, that the testament offered for that purpose should be proved to have been the last testament which was made by the testator. Mr. Short may, perhaps, never have been in any court in Doctors' Commons, but he can scarcely be so ignorant as not to know this; but these are merely specimens taken at random; every part of his statement is of the same description; he everywhere evinces the same reliance on the utter ignorance of those who may peruse it; and, upon the whole, I am disposed to think the development of character which has here taken place may be useful to such as may not have had the same opportunities of personal observation which we have possessed in this district. This man's late partner Mr. Peck, who was one of my former assailants, (but who found it convenient to emigrate to the state of Illinois last year) was exactly such another person; each of them possesses some talent; their veracity and their principle are precisely equal, and they were, in all respects, most fitly associated.

Mr. Kimball's statement, though, upon the whole, most grossly false and calumnious, still contains some truth. It is true that the judge of this district has always holden that the provincial statute of 34 Geo. 3, c. 2, which regulates the negotiability of promissory notes, is actually in force here; and, if so, there can be no doubt with regard to the cases in which a blank endorsement on a note does or does not convey an interest in Lower Canada, whatever may be the case in England.

The judge is sufficiently aware of the provisions of the British statutes 3 & 4 Ann. c. 9, and 7 Ann. c. 25; and as he had, for more than 20 years, as many cases before him, relative to negotiable instruments, as most men in London, and was fully acquainted with the practice there, it is not very likely that he should be ignorant of the difference in the statute law of the two countries in this respect. With regard to Mr. Kimball's curious analysis of the phenomenological character of the judge, it may be fairly left to speak for itself without any commentary. The witness is sufficiently known to render his opinions very harmless.

There is one circumstance which must have struck his Excellency forcibly, if he has taken the trouble of perusing this paper, which is, that the witnesses have generally avoided mentioning dates. The majority of the cases which they speak of (or such of them as actually existed, for there are some mentioned of which I have now no recollection) occurred, as

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I believe, several years ago. This, however, is one of the choice secrets of the party; it is far safer to allege a falsehood respecting matters which took place at a period long past, than with regard to more recent transactions; and a judge who has more than a thousand causes before him every year can scarcely be expected to remember every circumstance of each of them.

It must not be understood that I am answering, at the present moment, any of the charges which it appears to be the intention of the Assembly to make against me; it would be premature to attempt it; I must first know what they are. I am searching for something like a distinct accusation, some tangible charge, and I can find nothing in the evidence before me, but that the judge has, on certain occasions, differed in opinion from both Mr. Short and Mr. Kimball. All that I can say at present is, that the whole of the charges stated in the address constitute a mass of the foulest calumny which has ever disgraced the human character.

His Excellency will probably hear with astonishment that the first attack which was made on me by the Assembly took place more than seven years ago, at the instigation of one of their members, who was employed by Silas Horton Dickerson as his attorney in an appeal brought by him against a judgment in my favour by the Court of King's Bench for the district of Three Rivers, in an action brought by Dickerson against me; that this attorney was appointed chairman of the committee for the investigation of the complaint of his own client, with regard to the very matters to which the suit in appeal related; and that it is in consequence of that proceeding that I have been harassed and persecuted by this body every session from that day to this. It is the report of the committee of which this attorney was the chairman, which is the first of those mentioned in that now before us, and which has, as his Excellency will perceive, constituted the basis of all the proceedings which have since taken place; of no part of which have I ever received any notice whatsoever, except through the medium of the public papers.

Finding that my character was thus insulted and calumniated year after year, by resolutions and addresses without end, containing always the grossest falsehoods which the human mind can conceive, I determined, at last, to intreat his Excellency Lord Aylmer to direct that I might be furnished with such intelligence as the secretary's office could afford respecting the causes, whether real or imaginary, of this outrageous vituperation. I accordingly wrote a letter to Lieutenant-colonel Glegg, the then secretary, in March 1831, for the purpose of obtaining some information respecting the matter, but without effect, as there was, I believe, nothing to be found in the office but a copy of a string of resolutions as calumnious and abusive as the address now before us, which the Assembly had recently transmitted to his Lordship, and of which he had the goodness to send me a copy. I obtained, however, no further intelligence with regard to the facts on which they were pretended to have been founded. My letter to Colonel Glegg constituted the first communication which I had had with the government on this subject; the original is, as I suppose, still in your office, but I have, to save you the trouble of a search, enclosed you a copy of it from my letter-book of that day.

See p. 95.

A retrospect of the affairs of this unfortunate colony during the last 25 years furnishes many instances of calumnies and conspiracies of very extraordinary descriptions, and some of which are almost incredible; but I really know of no single case in the history of man which is any degree comparable to that now before us. It presents a most instructive lesson to the statesman and the philanthropist, as evincing, in a very remarkable manner, the progress which may be made by an association possessed of unlimited funds, great activity, and a certain degree of talent, in the propagation of truth or falsehood, and the cultivation of the virtues or the vices of their fellow men. It is mainly to this cause that the greater part of the depravity which human nature so frequently exhibits in this country is attributable. Things were far otherwise previous to the year 1790: the Canadians themselves were at that period a loyal, religious and moral people, and they are still so wherever they are unexposed to the influence of the Assembly.

With regard to the case immediately before us, my allegation is, that Mr. Justice Fletcher, a great part of whose long life has been spent in the service of his sovereign and the public, has always demeaned himself, not only blamelessly, but with exemplary zeal, fidelity and industry in the execution of every duty with which he has been charged; and I challenge my calumniators to produce evidence of any single fact which can cast a shade of doubt on the truth of this assertion. My conduct as a judge in the cases of Dickerson and Evans has already undergone the ordeal of discussion before other courts, whose decisions have been in my favour. If my persecutors, however, conceive that they have any other subjects of accusation against me, let them bring forward their charges in any intelligible and tangible shape, and I can assure his Excellency that I shall be ready to meet them and their hireling witnesses, on any reasonable notice, on either side of the Atlantic. The experience which I have had in the conduct of His Majesty's Government and the tribunals of the British empire will not permit me to entertain a doubt that, whatever prejudices may have been created by the superhuman malignity and artifice of the terrific band by which I am assailed, justice will eventually be done.

I have thought it necessary to acknowledge the receipt of your packet without an hour's delay; and you will accordingly perceive that what I have written has been too hastily composed: any adequate idea of the ineffable wickedness which has been practised against me could only be conveyed by a much longer communication, with the assistance of numerous documents. I shall, however, in the course of the present month endeavour to discover, by reference to the records of the courts here, and my own minutes, what were the real circumstances of the particular cases alluded to in these papers, so far as they can now be traced,

and

and shall, in the mean time, await his Excellency's commands with regard to any ulterior measures.

Should it occur to his Excellency that there is anything further to be done on my part which may tend to the elucidation of the subject before us, you will only have to signify his pleasure, and it shall be respectfully attended to.

Stephen Walcott, Esq.
Principal Secretary, &c. &c. &c.

I have, &c.
(signed) J. Fletcher.

Correspondence
respecting
Judge Fletcher.

COPY of a LETTER from Mr. Justice *Fletcher* to Lieutenant-colonel *Glegg*, Principal Secretary to His Excellency Lord *Aylmer*, respecting certain Resolutions which were stated in the public Journals to have been passed by the Colonial Assembly of *Lower Canada*, impugning the judicial conduct of the Judge.

Sir,

Sherbrooke, 31 March 1831.

You will probably consider it as a very remarkable circumstance to receive an application to His Majesty's representative from a public functionary in my station, founded merely on statements in the newspapers; but his Excellency will, as I hope, regard it as one of the necessary consequences of a state of things in this province, which appears to me to be almost without a parallel in the history of the world; and if there be any error in the information which has given occasion to it, attribute the trouble which I am now giving you to that source.

I have received by the post of this day, as I generally do every Thursday, the majority of the public papers printed at Quebec during the last week; and I find in one of the latest of them, the *Quebec Mercury* of Saturday last, a copy of a string of resolutions which are said to have been adopted by the Assembly of this province on the 24th instant, relating to myself and some supposed judicial decisions of mine which took place several years ago, and which paper is of the most vituperative and violent description. The last of these resolutions indicates an intention of addressing his Excellency on the subject, and it is currently reported by some persons who have just arrived from Quebec, that this body, or some of the members of it, have actually done so.

I was enabled, when I was last at Quebec, to procure some sheets of printed paper, which appear to contain a copy of a report of some committee of the Assembly, which is stated to have been made in March 1829, and which seems to relate to the same subject, together with some minutes of evidence, as it is called, antecedently taken before that committee on the occasion; but which papers have, as I understand, been only committed to the press since the commencement of the present year. The whole of these are full of the grossest calumnies and misrepresentations, and I suppose the resolutions which are now circulated throughout the province are founded on the same basis.

I do not know whether his Excellency is aware that throughout the whole of these proceedings, which appear to have been long and voluminous, I have had no opportunity whatsoever of exculpating myself or entering into any explanation of my conduct, if it had required any; and I think, if he be not, that he will be astonished at this information; but such is the fact. The whole business before those committees has been carried on with the most profound secrecy, and no kind of notice whatever has ever been given to me by the Assembly or any of its officers that they had anything before them tending in the slightest degree to inculcate me with regard to the execution of my judicial functions, or relating in any manner to my public or private conduct.

His Excellency will perceive that it is impossible for me to hold any communication with such men as these; it would not only be derogatory to the station which I hold, but would probably lead to some personal insult to myself, or perhaps a still more aggravated one to the authority of my Sovereign, under which I have been called upon to execute the duties with which I am charged.

It is of course necessary for me, if there be any truth in the statements in the journals of the day, to endeavour to obtain some authentic intelligence respecting these very extraordinary transactions, and my object, therefore, in addressing you at present is, to beg that you will have the goodness respectfully to submit this letter to his Excellency the Governor-in-chief, and to request that he will be pleased to direct that I may be furnished with such information relative to this incredible affair as can be supplied from the documents in your office, and as he may in his wisdom think it proper to communicate.

Lieutenant-Colonel Glegg,
Principal Secretary.

I have, &c.
(signed) J. Fletcher.

Enclosure 5, in No. 1.

My Lord,

Quebec, 18 May 1836.

YOUR Excellency was pleased to suggest, towards the close of the last interview with which you honoured me, on the subject of the complaints which have been made against me by the Provincial Assembly, that I should furnish you with some minutes, in writing, of the leading circumstances to which I then alluded, as tending to elucidate the nature of the case before us; to serve as memoranda by which your recollection might be aided, on a subsequent consideration of it, in order to your decision of the question now before you,

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as to the propriety of putting an end to the persecution under which I have laboured for so many years, or adopting measures for the further investigation of the matter before some legitimate tribunal; so as to afford me those means of defence which belong, by the laws and constitution of the country, to accused persons in general. The object of my present journey was, as I told you, to obtain an ultimate decision on the very point which I have mentioned; so that if your Excellency should see the matter in the same light as that in which it has been hitherto regarded by your predecessors, the long martyrdom which I have suffered may finally cease, or that I may, on the other hand, be enabled, with the assistance of my professional friends, to prepare for such a defence as the law may require; and the measure proposed by your Excellency is obviously necessary to enable you to make up your mind with regard to the expediency or in expediency of such further proceedings.

It will scarcely be expected that I should, on this occasion, enter into the whole or even into any very considerable portion of the points on which my defence will be founded, or bind myself in any degree with regard to the particular course which either myself or my counsel may think proper to adopt, in case of a legitimate forensic proceeding. All this will of necessity depend on the nature of the act or instrument of accusation; the statements of the witnesses for the prosecution, either on their examination in chief or cross-examination, and a variety of other circumstances which may occur in the course of the investigation, but which are neither under my control, or capable of any precontemplation at the present moment. Subject, however, to this reservation I shall now proceed to recapitulate some of the more prominent topics to which I took occasion to allude at my last audience.

The judicial proceedings which are so violently impugned by the Assembly having been the ultimate consequences of a state of society which is, in many respects, different from any other which is to be found in the British dominions, it appears to be expedient, in order to facilitate the proper understanding of the subject, to endeavour to convey some idea of a few of its more remarkable features.

The tract of land which at present constitutes the district of St. Francis is a part of what were formerly called "the Eastern Townships," a portion of the province which adjoins the boundary line between His Majesty's dominions and the United States, and the inhabitants of which consist, almost wholly, of emigrants from the latter country, by whom it was first settled about the commencement of the present century. Its whole extent may probably be about 3,600 square miles or two millions of acres, and its population, perhaps, 20,000 souls.

For some years after the first settlers commenced their labours the whole of this country continued nearly in a state of nature, and the control of any courts of judicature or system of jurisprudence was nearly unknown; but as the inhabitants increased in number and opulence, a body of speculative characters of no very correct principles, but many of whom possessed no inconsiderable share of natural sagacity, found their way amongst them and endeavoured to render the state of the country subservient to their own interests, by interfering in the traffic of the people, and exciting discord and litigation amongst the more industrious cultivators of the soil.

There were many circumstances which had contributed to promote litigation amongst the people, and consequently to render it an object of illicit gain to such persons as I have mentioned, and to strengthen and extend their influence. One of the principal was the want of an established currency. There was much property which had been raised by toil and industry from the bosom of the forest; but it was all produce; there was no money. A man with 100*l.* worth of stock on his farm could not pay five dollars in specie. Their bargains, their notes and obligations, were all payable in stock or produce of some description or other, and all their trade was barter. If a man owed another a sum of money, it was generally impossible for him to discharge it without the intervention of others, each of whom was to furnish some kind of property to the next in succession, and the best of whom could supply the creditor with some article which he had occasion for in satisfaction of his demand. This had given rise to a system of mutual compensation wholly incompatible with that simplicity and distinctness of arrangement which are essential to fair and successful commerce, and occasioned a degree of complexity and confusion in all their transactions which must be inconceivable to those who have been in the habit of regarding money as the usual medium of exchange.

The intricacy and difficulty thus introduced into every species of traffic in the country naturally occasioned much litigation, which was constantly fomented by the arts of those who regarded it as the means of their livelihood. Every man was accordingly engaged in some controversy, and the roads to Three Rivers and Montreal became thronged with travellers on the approach of every term.

A great additional source of oppression to the inhabitants had been derived from the provincial statute of 1821, for the summary trial of small causes; debts were now capable of being advantageously divided into a larger number of notes than before, and they became consequently better worth collecting. A man who owed 20*l.* was cajoled into the giving of a great number of promissory notes for different portions of it, which were always made the subjects of as many separate actions against him, and suits were multiplied beyond all credibility. Some of the commissioners certainly participated in the profits; others might possibly be honest, but the ultimate effect on the public welfare was nearly the same. Their executions were not returnable at any definite period; and they had no effective control over their officers, and were consequently less able to restrain peculation than superior courts of judicature. The consequence of these concurrent circumstances was, that those miscreants who devoted their lives to the excitement of these controversies, ruled with the most absolute sway, and became the lords of the whole country; and the poor inhabitants were compelled to pay

6,000*l.*

6,000*l.* or 8,000*l.* per annum of costs and plunder, under the pretext of collecting debts amounting, probably, in the aggregate to less than one-fifth of that sum.

Such having been the general state of things in the townships, it may be easily imagined that when it was determined, in 1823, to establish a better system of jurisprudence in that part of the province, with a resident judge, such a measure was regarded by every man who lived by speculation (and these actually constituted the most influential body in the country) as one of ill omen. These characters became alarmed, and their apprehensions were not altogether unfounded.

The judge proceeded to organize his court. He had everything to do; to dig the foundations, to lay the ground sills and erect the superstructure. But it was done; and a bar gradually assembled, which consists at present of from 10 to 12 members. No suit was instituted under the direction, or by the advice, of the judge. His conduct was like that of his colleagues; he never heard of a case till it was called on in the paper, or suffered any one to speak to him of controversial matters out of court. But the proceedings of a court of judicature, in which a certain degree of regularity was maintained, had, of necessity, some of the effects which had been anticipated, and it was no fault of the judge that this was the case. The "secrets of the prison house" were divulged, and an unpleasant glare of light thrown on transactions which had rather been calculated for obscurity. Judgments were occasionally rendered against several of these men, compelling them to restore sums of money and other property which they had regarded as fair booty; and some remarks were occasionally made, perhaps, which were injurious to that delicacy of feeling by which they were distinguished.

It was manifestly the duty of the judge to endeavour, at all events, to prevent the court in which he was to preside from being made instrumental in the furtherance of such evils as have been described, and to endeavour to emancipate the wretched inhabitants of the district from the oppressions under which they had so long groaned. The multiplication of trivial and frivolous suits was accordingly discouraged, and several precautionary measures were adopted with these views; many of which appeared to be extremely effectual, and were, consequently, highly unpalatable to these speculators.

A change like this could not, however, be suffered to take place without resistance by men of very considerable intelligence, of great influence in the country, and of indefatigable perseverance, who were thus impeded in pursuits which had constituted the business of their lives. It was clear that the whole of the illicit revenues of those persons were placed in jeopardy by the establishment of a system of local jurisprudence, the appointment of a resident judge, and the access of a bar of professional lawyers; and there could be no standing on ceremony when such interests were at stake. The judge must, at all events, be ousted if possible, and no more effectual means could be devised than to render the people at large dissatisfied with the court, by stigmatizing its proceedings through the medium of the press; nor could any person be found more fit to be employed for the accomplishment of this design than Mr. Silas Horton Dickerson, the printer of the "British Colonist," a weekly paper which was then published at Stanstead. Accordingly many libels on the provincial court and the judge who had the honour of presiding in it, composed in pursuance of such conspiracy, appeared in this paper. Almost every "Colonist" published since about July 1825, will be found to contain something or other of this kind; something to indicate that the judge and "his" court, as they called it, were such nuisances as ought not to be tolerated in a christian country.

During this state of things the following circumstances occurred:

In November term, 1825, an action of trespass *de bonis asportatis* came on to be tried in the provincial court, in which one Willey, a farmer at Shipton, was the plaintiff, and Howison, a bailiff, and Tilton, also a farmer at Shipton, were the defendants. It appeared on the trial that one Francis Armstrong Evans, a person who had been a schoolmaster, and was occasionally in the habit of preparing documents of different descriptions, had, in March 1824, been appointed a commissioner for the summary trial of small causes in the township of Kingsey.

There having been an action depending in the provincial court between Tilton and Willey, Mr. Evans had, in November 1824, prepared an instrument between them, whereby they had agreed to submit the matters in difference to the arbitration of two persons, with power to nominate a third, in case they should not agree; and the two first-named arbitrators having afterwards appointed Mr. Evans himself as the third arbitrator, an award had consequently been made, in which Mr. Evans had joined, awarding a balance of 28 dollars and 52 cents (about 7*l.* 2*s.* 7*d.* currency), as due from Willey to Tilton.

Of this 28 dollars and 52 cents, 11 dollars had been paid or satisfied; so that there remained, in January 1825, a balance still due on the award of 17 dollars and 52 cents (about 4*l.* 7*s.* 7*d.* currency), for which it appeared to Mr. Tilton to be desirable to commence a suit against Mr. Willey before Mr. Evans himself, in his judicial capacity as a commissioner of small causes. This balance, however, being above the amount to which Mr. Evans's jurisdiction extended (which was only 4*l.* 3*s.* 4*d.* currency), it was necessary to give credit for some trifle more than the 11 dollars, in order to bring the matter within the jurisdiction of the commissioner, and credit was accordingly given on the account produced before him, thus, "By a good story, 85 cents;" which having reduced the claim to 16 dollars and 67 cents (4*l.* 3*s.* 4*d.* currency), being the exact limit of Mr. Commissioner Evans's jurisdiction, he accordingly proceeded to render judgment for this balance so remaining due on his own award, after allowing for the "good story."

On this judgment of Mr. Commissioner Evans an execution was afterwards issued, under which twenty-four sheep and four head of horned cattle were seized by Howison the bailiff.

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Of these, however, the sheep only appeared to have been actually sold; six to Howison the bailiff himself, twelve to Tilton, the plaintiff in the case before Mr. Evans, and six to another person. The appraised value of the whole of the sheep in the sale was estimated at no more than 49½ dollars (12 l. 7 s. 6 d. currency); but it was proved that the damage sustained by Willey must have been vastly greater.

There had been no justification pleaded in the provincial court. Mr. Evans's commission was for the township of Kingsey, whereas it appeared that the parties resided in Shipton; and there were other circumstances in the case which appeared to entitle Willey, the plaintiff in the before-mentioned action of trespass, to judgment. The judgment of the provincial court was therefore rendered for the plaintiff Willey, and the damages assessed at 12 l. 7 s. 6 d. currency, being merely the appraised value of the sheep on the sale, though incomparably less than he was proved to have sustained.

On this judgment of the provincial court a writ of appeal was afterwards brought, and upon that appeal the judgment was, in January 1826, affirmed, with costs, by the Court of King's Bench at Three Rivers.

On the 2d of March 1826, somewhat more than a month after the affirmance of the judgment at Three Rivers, two letters to the editor appeared in Mr. Dickerson's paper, "The British Colonist," one of them under the signature of "Philo-Junius," and the other under that of "Scrutator." The first consisted of various remarks tending to show that the provincial court was a great evil; that its rules and proceedings were all injurious to the public; that the government had been much to blame in the appointment of the judge, and other matters of that nature. The latter, which purported to be a report of the before-mentioned case of Willey *versus* Tilton and Howison, was still more full of personal obloquy against Mr. Justice Fletcher, who was openly denounced by name as being everything which a judicial character ought not to be, and, in fact, as being a most corrupt judge, and a proper object of public execration.

Affidavits having been taken and filed, which proved that Mr. Dickerson was the printer and publisher of the paper in question, a rule nisi was made, calling upon him to show cause why an attachment of contempt should not be issued against him, which rule was afterwards made absolute, and an attachment issued accordingly, on which he was immediately bailed.

Mr. Dickerson hereupon filed two affidavits, averring that he was the sole editor, printer and publisher of the paper in question, and stating that Mr. Commissioner Evans (whose original manuscripts, in his own handwriting, were annexed to one of the affidavits) was the author of the two letters signed "Philo-Junius" and "Scrutator."

Hereupon it was intended by the court to discontinue further hostile proceedings against Dickerson; but it being impossible to adjudge either that he had not committed a contempt, or that his giving up the name of the author of the libels was a legal excuse, the recognizance of himself and his bail was discharged on his entering into a new recognizance, without sureties, to appear whenever he might be afterwards called upon; a course which has been frequently adopted in the courts at Westminster, in cases where it was not intended to punish the delinquent. A copy of this rule constitutes the enclosed paper, No. 1.

This lenity was probably ill judged, and accordingly, like all other injudicious measures, it had a bad effect, and one which might easily have been anticipated by any person who had only had one-half the experience in the characters of these men which the judge himself possessed. Mr. Dickerson imagined that the judge dared do nothing with him; and accordingly, with the advice of one Pierre Joseph Cressé, an advocate who was then practising at the bar at Sherbrooke, but who has since committed suicide in a fit of insanity, arising from habitual intoxication, actually served Mr. Justice Fletcher, immediately after he had been thus pardoned, with a notice charging the judge with having illegally, and without any reasonable or probable cause, issued a writ of attachment against him, and threatening to bring an action against him.

Mr. Dickerson's insolence did not stop here. He had now, as he said, got better advice than he had before. Mr. Elkins, his former advocate, had done him great injustice in not supporting his "rights" in the former cause. That gentleman had respectfully acknowledged the lenity of the court; he should have done no such thing; he should have defied the court. Mr. Dickerson had, to be sure, been present, and had entered into the recognizance required of him; but he now knew better, and he therefore peremptorily instructed Mr. Elkins to move for judgment in the dormant cause, in which it had been the intention of the judge to abandon further proceedings, in order, as he said, to finish the business and see whether the judge really dared to punish him or not. Mr. Elkins put in a motion-paper accordingly, and the court, thinking the defendant entitled to come in spontaneously and receive judgment, if he insisted on it, fined him 5 l. sterling, and committed him till the fine was paid, which was done in an hour or two. A copy of the last-mentioned judgment constitutes the enclosed paper, No. 2.

With regard to Mr. Evans, an attachment having issued against him on the affidavit of his accomplice Dickerson, and he having given bail thereon, he was, on the return thereof, examined on interrogatories, according to the usual practice in such cases; and having fully avowed himself the author of the papers in question, was ordered to attend to receive judgment on the last day of the term. In the interim, however, he filed a paper, in which he objected to the judge as having no jurisdiction in the case, and as being interested in his conviction, inasmuch as it was against him, as Mr. Evans thought proper to say, that the offence had been committed; and he accordingly claimed the benefit of the latter part of the seventh section of the provincial statute 3 Geo. 4, c. 17. Upon this, though it was sufficiently clear that such allegations could be founded only in the ignorance of the defendant, the court, instead

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See p. 100.

See p. 101.

of rendering final judgment on the 30th of June, as would otherwise have been done, made a rule for transmitting the record to His Majesty's Court of King's Bench for the district of Three Rivers, for them to decide on the validity of the recusation, as directed by the statute, it appearing to the judge, that although he had no doubts with regard to his own jurisdiction, it was better thus to refer the question to his colleagues.

Mr. Evans was in custody at the time of filing his recusation, and appeared to have detained himself, by the effect of his own plea, till after the decision of the court at Three Rivers, as the statute directs an immediate stay of all proceedings. On his praying to be bailed, however, two or three days afterwards, the judge determined on accepting it, and he was liberated. It must be unnecessary to add, that on the whole record of the case being submitted to the Court of King's Bench for the district of Three Rivers, Mr. Evans's recusation was rejected by that court as utterly unfounded, and the record remitted to the provincial court of St. Francis, to be there proceeded on according to law.

This man, Evans, is since dead, many years ago, and no final judgment was ever rendered in the cause.

We will now return to Mr. Silas Horton Dickerson.

In January 1827, Mr. Dickerson sent another notice to Mr. Justice Fletcher, stating his intention of bringing an action against him for all these misdoings, which action was afterwards actually brought in His Majesty's Court of King's Bench for the district of Three Rivers, and the plaintiff's damages laid at 1,000 £., but was, of course, dismissed with costs. This judgment was rendered in January 1828.

The situation in which the judge of St. Francis was now placed was sufficiently obvious. It was clear that the court was attacked by enemies who gave no quarter; and that, however repugnant it might be to the feelings of the judge to use strong measures, it was his duty to defend it to the last extremity. The authority of the whole judiciary body was at stake. The judge of St. Francis was an officer entrusted with the command of an outpost, on which the fate of the citadel mainly depended; and no considerations of personal danger could warrant the surrender of it.

At the time of the receipt of the notice of Mr. Dickerson's action, the causes No. 66 and 60 were in a state of progress. It was probably the object of this measure to deter the judge from the execution of his duty; but, if so, it failed of its intended effect. Those causes were afterwards proceeded in to judgment, as was also another cause, No. 44; and the defendant, having been convicted in all of them, was fined 10 £. sterling in each of them; and was, in the two former cases, ordered to find sureties for his good behaviour, and in the last of them imprisoned for 14 days. These judgments appear to have been rendered on the 21st of June 1827, and the 29th of March and 21st June 1828.

The action brought against me by Dickerson having, as must necessarily have been the case, been dismissed with costs, this man was desirous of appealing against the decision, and accordingly applied to Mr. Vallières, an attorney, then residing at Quebec, for that purpose, who, in consequence, issued a writ of appeal, as the attorney for Dickerson, on the 4th of July 1828. Mr. Vallières was also, however, a very influential member of the Provincial Assembly; and finding, on further consideration of the subject, and the inspection of the record, that he was far more likely to obtain success by an application to that body than by an appeal, this gentleman prepared a petition from his client to that branch of the Colonial Legislature, impugning, in very unmeasured terms, the conduct of the judge of St. Francis, with regard to the different proceedings which had been taken against him, and praying for redress.

This petition, which was presented to the Assembly on the 13th of January 1829, constitutes the basis of all the unprecedented and disgraceful persecutions to which I have been subjected ever since. Wonderful as it may appear to such as are unacquainted with the real state of this unfortunate colony, those who recollect the general demeanour of the Assembly at that time will scarcely be surprised to hear that this composition was received with acclamation; that, without any inquiry into the truth or falsehood of the allegations which it contained, 600 copies were immediately ordered to be printed for the use of the members, who were then 50 in number; and that Mr. Vallières, the attorney for Mr. Dickerson, was appointed the chairman of a special committee of five, to inquire into and report on the merits of his client's complaint. The extraordinary proceedings of the committee of which this attorney was the chairman, and their subsequent report, which is referred to in the commencement of the 7th Report of the Standing Committee of Grievances, delivered in on the 29th February last, as constituting the basis of the present violent charges against me, were the natural consequences of such a course of procedure.

This report of the 12th of March 1829 has been successively laid before every one of His Majesty's representatives since that period, with a variety of amplifications, and a number of false and exaggerated statements, as the ground of complaints by that body against me; and these complaints have been uniformly rejected by the successive governors. The last of these applications was, as I believe, between four and five years ago; and the answer of Lord Aylmer bears date on the 5th of December 1831.

It does not appear to me to be necessary, in the present state of this business, to proceed to repel the calumnies which are contained in these papers with regard to the conduct and demeanour of the judge on various occasions, otherwise than by saying that I deny the whole of these statements, as consisting altogether of the foulest slanders; and that I believe that, notwithstanding the lapse of years which has taken place since the times at which it has been thought proper to lay the scene of these fictions, they can be completely disproved.

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There are some circumstances in these transactions which speak for themselves so forcibly, as to be incapable of being misunderstood. Certain proceedings of a court of judicature are complained of as tyrannical and oppressive; but the records themselves are not produced; there is nothing respecting the evidence on which the proceedings were founded, or any other circumstances relating to them, but a vast mass of obloquy and falsehood respecting the personal conduct and demeanour of the judge at the remote periods when they took place. What can have given occasion to this omission? Are not the proceedings themselves essential to the charges which are pretended to be founded on them? A very little consideration will enable us to solve these apparent difficulties, and induce us to admit that my accusers have really acted sagaciously, whatever want of candour or fairness they may have exhibited. They recollect the trial in 1828, in which the records were produced; and they must remember that their production evinced to every one, not only the legality of the proceedings, but the extreme lenity and forbearance which had been exercised by the judge under accumulated circumstances of repeated and aggravated aggression and insult.

I have, as I fear, already tried your Lordship's patience by the great length of this communication; and yet a very considerable portion of the curious traits which distinguish this attack remain untouched upon. I shall only remark, that on every review of my own conduct since my appointment to the station which I fill, I can perceive nothing which appears to me to afford the least rational ground for crimination or blame. I have uniformly endeavoured, according to the best of my judgment, to prove myself not unworthy of the sacred trust which has been reposed in me; and I cannot now retrace any acts of my ministry in which this has been more strongly evinced than upon the occasions which have given rise to these extraordinary charges.

To court popular applause is, as I have always conceived, incompatible with the duties of a judicial station; but the spontaneous approbation of our fellow men must, of necessity, be agreeable to every one who possesses a well-constituted mind; and I have the satisfaction of believing that my unremitting endeavours to render the exercise of my public functions useful to the country are fairly appreciated by a great majority of the inhabitants of the district in which I preside, and that few of my colleagues possess the good opinion of those whose interests have constituted the objects of their ministry, in a higher degree than the judge of St. Francis. Your Excellency will find some reluctant and partial admissions of this truth, even by my greatest enemies, amongst the reports on the debates on the St. Francis Act in several of the public journals; as, for example, in the *Quebec Mercury* of Tuesday the 22d, and the *Old Quebec Gazette* of Wednesday the 23d of December last. The former of these papers contains also a statement by Mr. Child, which exhibits, in rather a disgusting point of view, the active, though latent, hostility and malignity of an individual with whom I never had the slightest difference, and whom I scarcely know personally, though he actually fills a station of the highest importance. The conduct of this man, and the consequences which have ensued from it, constituted the subject of the opinions rendered by the judges of the province, at the request of his Excellency Lord Aylmer, in 1834, and are given, as stated by himself on his examination, in the 5th Report of the Committee of Grievances; in fact, it seems highly probable, from Mr. Child's statement, and other sources of intelligence, that it is principally through his clandestine agency that your Excellency has been subjected to the trouble which you now have respecting the matter before us.

I await your Excellency's commands with regard to such ulterior measures as you may think fit to direct on the present occasion, and

Have the honour to be, &c.
(signed) *J. Fletcher.*

— 1. —

Province of Lower Canada, Inferior District of St. Francis.

In the Provincial Court, Friday the 30th day of June 1826, the King against Silas Horton Dickerson, for a contempt.

(No. 8.)

THE defendant having appeared personally in court this day in obedience to the rule or order of the 28th day of March now last past; it is ordered, that the recognizance of the said defendant and his bail entered into on the 25th day of March now last past, for his personal appearance from day to day in this court to answer for the contempt charged against him in this cause, be discharged on his entering into a recognizance by himself personally without sureties, in the penal sum of 250*l.* sterling, for his personal appearance in this court, to receive and abide the judgment thereof in respect of the several matters and things charged against him in this case whenever he may be called upon by any further rule or order of this court so to do. And the said defendant having forthwith entered into such last mentioned recognizance, it is ordered, that the said former recognizance so entered into by him and his sureties on the said 25th day of March now last past, be forthwith discharged, and that the said defendant be permitted to depart the court. And that all further proceedings in this cause be stayed until the further order of the court in that behalf.

By the Court.

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— 2. —

Province of Lower Canada, Inferior District of St. Francis.

In the Provincial Court, Tuesday the 27th day of September of 1826, the King against
Silas Horton Dickerson, for a contempt.

(No. 8.)

THE defendant appearing personally in court this day, and having by his counsel prayed that the proceedings in this cause might be resumed, and the judgment of the court rendered therein, notwithstanding the rule made therein on the 30th day of June now last past, to the end that this case may be finally ended and determined; and the court having perused and considered the proceedings and evidence in this cause, it appears to this court that the defendant is guilty of the contempt of this court and of our Sovereign Lord the King, and his laws, charged and alleged against him in the several affidavits filed in this court, whereon the original attachment of contempt was issued against him, and admitted and acknowledged by his own subsequent affidavits filed in this cause, and he is accordingly convicted thereof. And it is considered and adjudged that the said Silas Horton Dickerson do for such contempt pay to our said Sovereign Lord the King a fine of 5*l.* of lawful sterling money of the United Kingdom of Great Britain and Ireland, current in England, and that he be committed to the common gaol of this district until such fine be paid.

By the Court.

Enclosure 6, in No. 1.

Sir,

Castle of St. Lewis, Quebec, 24 May 1836.

I AM commanded by his Excellency the Governor-in-chief to request the joint opinion of yourself and the solicitor-general on the following questions, viz:—Whether the judge of the provincial court of the inferior district of St. Francis has power, under the local Act creating that court, or under any other Acts, or under the common law, or as a privilege incident to a tribunal of justice, to punish in any, and what manner, contempts of court committed not in court, but within the district or elsewhere; and his Excellency would wish to be informed whether the provincial court of St. Francis possesses, in matters of contempt, similar powers to those exercised by the superior courts of Westminster Hall or of this province, and if not, in what respects they differ.

The Attorney-general.

(signed)

I have, &c.

S. Walcott, Civil Secretary.

Enclosure 7, in No. 1.

Sir,

Quebec, 4 June 1836.

WE have been honoured with the commands of his Excellency the Governor-in-chief, signified by your letter of 24th May last, requesting our joint opinion on the following questions, viz. whether the judge of the provincial court of the inferior district of St. Francis has power, under the local Act creating that court, or under any other Acts, or under the common law, or as a privilege incident to a tribunal of justice, to punish in any, and what manner, contempts of court committed not in court, but within the district or elsewhere, wishing also to be informed whether the provincial court of St. Francis possesses, in matters of contempt, similar powers to those exercised by the superior courts of Westminster Hall or of this province, and if not, in what respect they differ; and we have now the honour to report, that in our humble opinion the judge of the provincial court of the inferior district of St. Francis, established by 3 Geo. 4, c. 17, has power to punish, by fine or imprisonment, or by both, for contempts of court committed not in court, but within the district. That court being a court of record, possesses, as we conceive, in matters of contempt, powers similar to those exercised by the superior courts of Westminster Hall and of this province; and we consider the power of the judge of the provincial court of the district of St. Francis, in this respect, to be incident to the exercise of his judicial functions.

We have, &c.

(signed)

C. R. Ogden, Attorney-general.

M. O'Sullivan, Solicitor-general.

Stephen Walcott, Esq., Secretary,
&c. &c. &c.

Enclosure 8, in No. 1.

Sir,

Castle of St. Lewis, Quebec, 11 June 1836.

WITH reference to the charges which have been preferred against you by the House of Assembly in the several sessions of the provincial parliament since 1829, originating in transactions which occurred in the years 1826, 1827 and 1828, I am commanded by his Excellency the Governor-in-chief to acquaint you, that upon a perusal of the report which
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accompanied the address of the Assembly of the 4th March last, praying for your immediate removal from office, he perceived that the principal charge depended on the question whether, in punishing individuals for contempts committed out of court, you had not usurped a criminal jurisdiction not appertaining to the judge of the court established in the inferior district of St. Francis, and exceeded the powers legally vested in you as such judge; and his Excellency, having taken the opinion of the law officers of the Crown on this point, and being advised by them that the judge of the provincial court of St. Francis has power to punish by fine or imprisonment, or by both, contempts of court committed out of court, and that the court, being one of record, possesses, in matters of contempt, powers similar to those exercised by the superior courts of Westminster Hall and of this province, he has arrived at the conclusion, that, under all the circumstances of the case, there is no occasion to disturb you in the discharge of your judicial functions; but as this and the other questions involved in the accusations of the House of Assembly can only be finally disposed of by His Majesty, his Excellency has determined to refer the whole case to England, with as little delay as possible, for the signification of the Royal pleasure.

I have, &c.

The Honourable
Mr. Justice Fletcher, Sherbrooke.

(signed) *S. Walcott*, Civil Secretary.

— No. 2. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 22 August 1836.

I HAVE received your Lordship's despatch, dated the 9th of July last, enclosing an Address presented to you by the House of General Assembly of Lower Canada, praying for the dismissal from office of Mr. Fletcher, one of the judges of the district court of St. Francis, with various documents relating to that subject.

Your Lordship appears to me to have acted with sound discretion in declining to comply with the request of the Assembly until you had called upon Mr. Fletcher for his defence. His Majesty's Government cannot receive a demand, even from the House of Assembly, for the removal of a public officer, in any other light than that of a charge which they are bound to investigate, unless it be made to appear that the accused party was afforded by the House an opportunity of controverting the matter alleged against him.

I further approve your Lordship's ultimate determination not to suspend Mr. Fletcher from his office pending the investigation of the subject by His Majesty's Government. The highest legal authorities to which it was in your power to apply for information having reported to you that in the proceedings laid to the charge of Mr. Fletcher, that gentleman had acted consistently with law, you could not have pronounced an official censure upon him without claiming for your own judgment, on a question exclusively legal, a weight superior to that of the Attorney and Solicitor-general of the province.

On the part of His Majesty's Executive Government I disclaim all competency to decide the question debated between the House of Assembly on the one hand and the judge and the law officers of Lower Canada on the other. It is my duty to assume that the district court of St. Francis correctly interpreted, and properly enforced, the law, until their decisions are reversed or corrected by a judicial authority superior to theirs.

I have, therefore, humbly advised the King to refer these papers to the judicial committee of the Privy Council, who, I presume, will admit the accusers and the party accused to a hearing at their bar, and to whom you will refer the Assembly of Lower Canada as the only body to which the constitution of the British empire has entrusted the ultimate decision of questions of this nature.

I have, &c.

(signed) *Glenelg*.

— No. 3. —

Correspondence
respecting
Judge Fletcher.

COPY of a LETTER from Lord *Glenelg* to the Lord President of the Council.

My Lord,

Downing-street, 27 August 1836.

I HAVE the honour to transmit to your Lordship the copy of a despatch which I have received from the Earl of Gosford, Governor-general of His Majesty's provinces of North America, reporting that the House of General Assembly of Lower Canada have requested him to dismiss from office Mr. Fletcher, one of the judges for the district of St. Francis, in that province, and also reporting the grounds on which he had declined to comply with that request, and had determined to refer the question for the decision of His Majesty's Government.

9 July.

I also enclose copy of the enclosures in Lord Gosford's despatch.

I have to request that your Lordship would move His Majesty in Council to refer these documents to the judicial committee of the Privy Council, in order that their Lordships may adopt the necessary measures for investigating and deciding the question in debate, and may report to His Majesty in Council their opinion as to the measures which it may be proper for His Majesty to adopt on this occasion.

I have, &c.

(signed) *Glenelg*.

LOWER CANADA.

REPORTS and CORRESPONDENCE on the subject
of the Charges preferred against Mr. *Chisholme*
and Judge *Fletcher*.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
3 May 1837.

[*Price 1 s. 2 d.*]

C A N A D A.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 16 March 1837 ;—for,

COPIY of the AGREEMENT concluded between His Majesty's Government and the British American Land Company, in the Year 1833, with an Account of the Sums paid by the Company under that Agreement.

COPIES of a REPORT of the Select Committee of the House of Assembly of *Lower Canada*, respecting Mr. *Thompson*, Judge of the Inferior District of Gaspé, and of any CORRESPONDENCE between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Thompson*.

COPIES of a REPORT of the Select Committee of the House of Assembly of *Lower Canada*, respecting Mr. *Whitcher*, Sheriff of St. Francis, and of a CORRESPONDENCE between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Whitcher*.

COPIES of TWO REPORTS of a Select Committee of the House of Assembly of *Lower Canada*, respecting Mr. *Felton*, together with any further CORRESPONDENCE (*in continuation of that presented on the 26th July 1836*), on the subject of the Complaint against Mr. *Felton*. [*Papers ordered to be printed, 4 March and 27 July, Nos. 75 & 489, Sess. 1836*].

Colonial-Office, Downing-street, }
11 April 1837.

G. GREY.

(*Mr. Roebuck.*)

Ordered, by The House of Commons, to be Printed,
21 April 1837.

SCHEDULE.

Copy of the Agreement concluded between His Majesty's Government and the British American Land Company - - - - - p. 3

Report of the Select Committee of the House of Assembly of Lower Canada, respecting Mr. Thompson, Judge of the Inferior District of Gaspé, and Correspondence thereon - p. 5

No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 6 December 1836, (three Enclosures) - - - p. 5

No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 24 January 1837 - - - - - p. 97

No. 3.—Copy of a Letter from Lord Glenelg to the Lord President of the Council, dated Downing-street, 27 January 1837 - - - - - p. 98

Report of a Select Committee of the House of Assembly of Lower Canada respecting Mr. Whitcher, Sheriff of St. Francis, and Correspondence thereon - - - - - p. 98

No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 9 September 1836 (seven Enclosures) - - - p. 98

No. 2.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 1 December 1836 - - - - - p. 133

Two Reports of a Select Committee of the House of Assembly of Lower Canada, respecting Mr. Felton, and Correspondence thereon - - - - - p. 137

PLAN of the Counties of Stanstead, Sherbrooke, Missiskoui, Shefford, Drummond, Megantic, and part of Nicolet, in the Province of Lower Canada - - - at the end.

C A N A D A.

COPY of the AGREEMENT concluded between His Majesty's Government and the British American Land Company in the Year 1833, with an Account of the Sums paid by the Company under that Agreement.

MEMORANDUM of AGREEMENT between the Right Honourable *Edward Geoffrey Smith Stanley*, His Majesty's Principal Secretary of State for the Colonial Department, on behalf of His Majesty's Government on the one part; and *George Richard Robinson, M.P.*, Governor, *Nathaniel Gould*, Deputy-governor, *Patrick Maxwell Stewart, M.P.*, *William Petrie Crawford*, *Alexander Gillespie*, junior, *William Inglis*, *John Kirkland*, *Edward Wheeler Mills*, *John Shuter*, *Lewis Stride* and *James Wilson*, the Court of Directors nominated and appointed by the Merchants and others who have united together to establish a Company for purchasing, improving, settling and disposing of Land in His Majesty's colonies and provinces in North America and their dependencies, and for other purposes connected therewith, under the name of The British American Land Company, and intended to be incorporated by Royal Charter, on the other part.

Agreement between
H. M. Government
and the British
American Land
Company.

WHEREAS the said court of directors having made application to His Majesty's Government to sell, grant and convey to the said Company, for a valuable consideration, certain lands known by the name of Crown reserves, and certain other Crown lands situated in the eastern townships of the province of Lower Canada, as the commencement of their operations, and His Majesty's Government having acceded to the said application, this memorandum, embodying the terms upon which such sale and grant is to be made, has been concluded between His Majesty's Government and the Company as follows:

1. Mr. Secretary Stanley, on behalf of His Majesty's Government, has agreed to sell, grant and convey to the said Company the Crown lands and Crown reserves hereinafter described, situated in the eastern townships of the province of Lower Canada, in consideration of the sum of money, and upon the terms and conditions hereinafter mentioned, viz.

The whole of the Crown lands in the county of Sherbrooke unsurveyed, and as represented on the plan hereunto annexed (exclusive of the territory claimed by the United States), supposed to amount to - - - - - Acres, 596,325

The Crown reserves and surveyed Crown lands in the counties of Sherbrooke, Shefford and Stanstead, supposed to amount in all to - - - 251,336

Acres, 847,661

Mr. Stanley is willing to take one entire sum of 120,000 *l.* for the whole of these lands, subject to the conditions hereinafter mentioned respecting the clergy reserves; 75,992 *l.* to be considered as the purchase-money of the unsurveyed lands, and 44,008 *l.* that of the surveyed lands.

Mr. Stanley considers that he is selling the whole of the beforementioned Crown reserves and surveyed lands at 3 *s.* 6 *d.* per acre, and somewhat more than 500,000 acres of the unsurveyed land at 3 *s.* per acre, leaving to the Company about 90,000 acres as an allowance for any unavailable land which on survey may be found in the block, and it is distinctly understood that no claim can be admitted hereafter on the ground of lands found unsuitable to the purposes of the Company.

2. His Majesty's Government, however, excepts from this sale any town lots or sites already laid out or reserved as such (not exceeding in the whole 10,000 acres), which His Majesty's Government may, at any time within a period of two years from the date of the charter to be granted to the Company, declare its intention to take up; and for all or any lots which may be so taken up a corresponding deduction, at the rate of 3 *s.* 6 *d.* per acre, shall be made from the amount of the purchase money hereby agreed to be paid by the said Company.

The Company shall be debarred from selling any town lots or sites already laid out or reserved, without giving intimation to His Majesty's Government; and the Government on their part shall be bound within a limited period to announce their decision in regard to such lots.

3. If means can be found of legally accomplishing the object, one-seventh of the unsurveyed lands sold in the county of Sherbrooke shall be deemed a sale of clergy reserves, and the purchase money be set apart, amounting to one-seventh of 75,992 *l.* or 10,856 *l.*, which in that case will not be subject, like the rest, to the condition that one-half be expended in public works and improvements, as hereinafter mentioned in clause 6. But this modification of the sale will be dependent on the practicability of executing this arrangement; and unless

Agreement between
H. M. Government
and the British
American Land
Company.

its practicability be secured within one twelvemonth from the present date, no such modification shall have effect.

4. One-tenth part of the whole purchase-money (including the portion proposed to be treated as the price of a sale of clergy reserves) shall be paid within 12 months from the date of the charter. The payments of the remaining amount to be completed within 10 years from the same date, and in the meantime to bear interest at the rate of four per cent. per annum; the Company, however, having the option of anticipating the whole or any part of the payments.

5. The payments shall be made to such officer, connected with the receipt of the Crown revenues in the said province of Lower Canada, as His Majesty's Government shall from time to time appoint to receive the same, and a receipt under the hand and seal of such officer, attested by one witness, shall be a good and sufficient discharge to the said Company for every sum of money acknowledged in any such receipt to have been received by the officer granting the same. And for obviating any doubt as to the proper officer into whose hands such money is to be paid, notice will be given by His Majesty's Government, informing them of the officer who may be appointed to discharge this duty and grant the proper receipts.

And upon producing to the Governor in Chief or officer administering the government of the province a receipt, signed, sealed and attested as abovementioned, a grant will be issued to the said Company for such a portion of the lands as may be equivalent to the purchase-money actually paid. And every such grant shall be made to the said Company gratuitously without any fee of office, demand or duty being due or payable to any public officer for preparing, expediting, sealing and issuing the same.

To prevent unnecessary trouble, the Company shall not be entitled to require a grant to be made out for any portion of land less than 5,000 acres.

6. One-half of the money so to be paid by the Company shall be expended, at the discretion and on the sole responsibility of His Majesty's Secretary of State, on public works and improvements in that part of the province of Lower Canada in which the land sold to the Company is situate. But His Majesty's Government will always be ready to receive any suggestions of the Company for expending this moiety. By the terms public works and improvements will be understood canals, bridges, high roads, market-houses, court-houses, school-houses, the erection of churches and parsonage houses, the clearing and improvement of glebe lands, and any other works undertaken and calculated for the common use and benefit of His Majesty's subjects, in contradistinction to works intended for the use and accommodation of private persons.

7. His Majesty's Government will instruct the Governor in Chief or officer administering the government of the province of Lower Canada to direct the proper departments of the provincial government to furnish the Company with maps and diagrams, showing the situation of the lands hereby agreed to be sold, without any fee of office, demand or duty being due or payable to any public officer for the same; His Majesty's Government will also instruct the Governor in Chief or officer administering the government to facilitate the inquiries of the servants of the Company.

Signed by Mr. Secretary Stanley, Downing-street.

(signed) *E. G. Stanley.*

Signed by Nathaniel Gould, Chairman of a General Court of Proprietors, in pursuance of a resolution passed this day, 1, Freeman's-court, Cornhill, 3d December 1833.

(signed) *Nathaniel Gould, Dep^y Govr,
Chairman of the Court of Proprietors.*

SUPPLEMENTARY ARTICLE of AGREEMENT between the Right Honourable *Thomas Spring Rice*, His Majesty's Principal Secretary of State for the Colonial Department, on behalf of His Majesty's Government on the one part, and *George Richard Robinson*, M. P., Governor, *Nathaniel Gould* Deputy-governor, *Patrick Maxwell Stewart*, M. P., *John Peter Boileau*, junior, *William Petrie Crawford*, *Russell Ellice*, *Alexander Gillespie*, junior, *John Kirkland*, *Edward Wheler Mills*, *John Shuter*, *Lewis Stride*, and *James Wilson*, the Court of Directors of the British American Land Company, on behalf of that Company, on the other part.

WITH reference to the sixth article of the memorandum of agreement between His Majesty's Government and the Company of the 3d day of December last, which stipulated that one-half of the purchase-money to be paid by the Company shall be expended in the public works and improvements therein mentioned; it is further agreed between the parties,

That the Company are to prepare, at their own expense and charges, the plans and estimates of the works to be undertaken, whether proposed by Government or the Company, and submit the same to the Governor or person administering the government of the province of Lower Canada.

If the Governor or person administering the government approve of the contemplated undertaking, either as originally submitted or as amended upon consideration, the Company will then be authorized by the Governor or person administering the government, to expend such

such sum as may be determined upon under any instructions that may be considered necessary.

The Company will thereupon proceed with the undertaking, and on its completion lay before the Governor or person administering the government, a statement of the actual expense incurred in effecting it, with the vouchers, and if he is satisfied the Company will then either receive payment of the amount, if there is money in the hands of government belonging to the Improvement Fund, provided by the sixth article of the memorandum of agreement before referred to, or be allowed credit for the amount in the next ensuing payment of the purchase-money, according as it may have been previously arranged. It is understood that the Company are to make no charge for or on account of their officers superintending the undertaking, or expending the money in the manner authorized by the Governor or person administering the government.

In case of such protracted differences of opinion between the Governor or person administering the government and the Company, on the mode of laying out the amount to be expended on public works, as shall appear to the Governor or person administering the government to render any further attempt to conclude a mutual agreement in the colony useless, the question shall be referred to the Secretary of State, whose decision shall be final.

Signed by Mr. Secretary Spring Rice, Downing-street, 6th August 1834.

T. Spring Rice.

Signed by Nathaniel Gould, Chairman of a Court of Directors, in pursuance of a resolution to that effect, 4, Barge-yard, Bucklersbury, 6th August 1834.

*Nathaniel Gould, Deputy-Governor,
Chairman of the Court of Directors.*

AMOUNT paid by the BRITISH AMERICAN LAND COMPANY, under the Agreement with His Majesty's Government of 3 December 1833.

	£.	s.	d.
20 March 1835. First Instalment,			
Without interest - - - - -	6,000	-	-
20 March 1836. Second Instalment,			
With two years' interest at four per cent -	6,480	-	-
20 March 1837. Third Instalment,			
With three years' interest at four per cent -	6,720	-	-
	19,200	-	-
Expended by the Company on public works within their land, in conformity with the Supplementary Article of 6 August 1834 -	15,754	5	6
	£. 34,954	5	6

The above is presumed to be a correct statement of the sums paid by the British American Land Company. As, however, no late accounts on the subject have been received from the Earl of Gosford, His Lordship has been directed to furnish a Report forthwith.

Downing-street, 1 April 1837.

COPIES of a REPORT of the Select Committee of the House of Assembly of Lower Canada, respecting Mr. *Thompson*, Judge of the Inferior District of Gaspé, and of any CORRESPONDENCE between the Earl of *Gosford* and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Thompson*.

— No. 1. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord, Castle of St. Lewis, Quebec, 6 Dec. 1836.

I HAVE the honour to transmit herewith certain accusations preferred by the House of Assembly, in the session of 1835-36, against the Honourable John Gawler Thompson, Judge of the Provincial Court of the Inferior District of Gaspé, arising out of a petition from Joseph François Deblois, esquire, an advocate practising in that court, and one of the members for the county of Bonaventure, together with the judge's vindication of himself.

The case is contained in the Sixth and Ninth Reports of the Standing Committee of Grievances, and in the ten accompanying documents, furnished by Mr. Thompson as his defence.

Correspondence
respecting
Mr. Thompson.

Nos. 1 & 2.

No. 3.

The charges, your Lordship will perceive, are, that the judge has been guilty of a neglect of duty and malversation in the exercise of his judicial functions, of violating the enactments of the provincial statutes relating to the jurisdiction and constitution of his court, and of frequently sitting there in such a state of intoxication as to prevent the proper discharge of his official duties. The Assembly presented an address to me, founded on these reports and resolutions, praying that I would provisionally suspend Mr. Thompson during the inquiry on Mr. Deblois' petition, which they express their intention to continue, and until his final removal should be awarded by the proper authorities.

As Mr. Thompson was not present during the investigation by the House into his conduct, I replied to their address, as I had done in other similar cases, that I could come to no decision until I had heard what the accused had to say in his defence. Mr. Thompson has recently transmitted to me his answer to the charges preferred against him, supported by numerous affidavits and other documents, quite at variance with those charges.

I do not think it necessary to enter at length into the conflicting statements of this case, upon which I find myself unable to give any decision, but must refer your Lordship to the accompanying papers. I will merely observe, that so much of the charge of intemperance as relates to the period antecedent to the month of May 1828, appears to have been disposed of by the then Governor in Chief, the Earl of Dalhousie, who, in November 1827, caused it to be intimated to Mr. Thompson that, in consequence of certain reports then in circulation respecting his private demeanor and conduct, which tended to bring disrepute upon his public station, his Lordship being satisfied, on inquiry, of their truth, had come to the determination to remove him from the Bench if he did not avail himself, within a specified time, of the option afforded him of giving in his resignation. On this occasion Mr. Thompson proceeded to Quebec, fortified with addresses and other testimonials in his favour from the principal inhabitants of Gaspé, including one from his present accuser, Mr. Deblois, dated the 27th April 1828, forming part of the document marked (B.), amongst the accompanying papers. The judge seems to have cleared up the imputations against his character to the satisfaction of the Earl of Dalhousie, as I find that his Lordship, in a communication dated the 22d of May 1828, admitted, through his civil secretary, that the reports and statements which had given rise to his previous decision must have been founded in an erroneous view of Mr. Thompson's conduct, and requested him to resume his duties as judge of the district of Gaspé, which he did accordingly.

I have only to add, that, on a careful review of the evidence laid before me on both sides in this case, I have thought it best to reserve the whole matter for the decision of a more competent tribunal; and I have therefore informed Mr. Thompson of my determination to transmit all the documents to England, and that while they were under His Majesty's consideration, I did not deem it advisable to disturb him in the exercise of his judicial functions.

I have, &c.
(signed) Gosford.

Enclosure, No. 1, to Despatch from the Earl of Gosford, dated 6 December 1836.

SIXTH REPORT of the STANDING COMMITTEE of GRIEVANCES.

THE Standing Committee of Grievances, to whom was referred the petition of Joseph François Deblois, esq., advocate, and one of the members of your honourable House, charging the Honourable John Gawler Thompson, Judge of His Majesty's Provincial Court of the Inferior District of Gaspé, with high crimes and misdemeanors, have agreed to make the following report, being the first on the subject of the said petition:

Your committee, after having heard divers witnesses in support of the said petition, and examined the evidence furnished by the papers and documents in the possession of your committee, are of opinion that the inquiry ought to be continued with all diligence, either in the present or in the next session. Their apprehension that the whole cannot be brought to a close during the present session has induced your committee to report their proceedings up to this date to your honourable House, and respectfully to suggest that the evidence and documents they submit should be printed for the use of the members of your honourable House, it being the intention of your committee to make a more circumstantial report, and to proceed further in the matter during the present session, if it be possible.

The whole, nevertheless, humbly submitted.

11 February 1836.

E. Bedard, Chairman.

MINUTES OF EVIDENCE.

Thursday, 19 November 1835.—ELZEAR BEDARD, Esq., in the Chair.

Mr. *Nicholas Boucher*, Merchant, of Rivière Ouelle, in the county of Kamouraska, called in ;
and being Interrogated, answered :

I RESIDED in Percé, in the county of Gaspé, in the inferior district of Gaspé, from the year 1826 to the fall of 1834. During part of this time I was a clerk in the employ of F. Buteau, esq., and for the last two years I have been in partnership with him. During all that time I knew the Honourable John Gawler Thompson as judge of His Majesty's provincial court for the district of Gaspé. I was at Percé in the month of August 1827, and it is to my knowledge that the said honourable judge had then come to Percé to hold the court there according to law. The term at Percé is 10 days. The judge did not hold the court at Percé in the term of 1827 ; and it is a fact that no court was held at Percé at that time. I learnt that the judge, finding himself unwell, had returned to Paspebiac in the county of Bonaventure, and that he had taken his passage on board the schooner *La Reine*, of which Charles Poirrier was master. I was not present when the judge went on board the schooner *La Reine*, but several persons told me that the said honourable judge had left Percé in consequence of the immoderate use of intoxicating liquors. I do not know that the said judge was suffering under any sickness or indisposition ; but I had no opportunity of ascertaining the exact truth. Common report says that he is too much addicted to the use of intoxicating liquors. I cannot recollect whether F. Buteau, esq. had any actions at that time pending in court, or whether he was about to institute some ; but on referring to the books it will be easy for me to give the committee the information required of me. These books are in the possession of the House of Le Boutillier & Buteau. I am certain that there was some business before the court, and that there was some to be commenced. A great many persons in the inferior district of Gaspé complain of the manner in which justice is administered by the said judge, but I do not know whether their complaints are founded or not. I hear that the inhabitants complain of the judge being partial to his nephew, John Robinson Hamilton, esq., one of the advocates practising in the said provincial court. I was sued in the said provincial court in the month of August 1834. The party plaintiff was Ambroise Bourget, and I was defendant. I was condemned to pay the amount demanded and costs ; and I am under the impression that I failed in that case because the judge had not duly considered the nature of the action. The attorney who occupied for the plaintiff was John Robinson Hamilton, esq., advocate, and my attorney was Edouard Thihaudeau, esq., advocate, who I trust will furnish the committee with information which I am not competent to give. It is my conviction that the said John Robinson Hamilton exercises an improper influence upon the mind of the judge. It is to my knowledge that the judge generally arrives on the evening previous to the opening of the circuit court, and that he leaves immediately after the business is closed on the last day. There may be some exceptions, but they are very few. This practice is very prejudicial to the interest of the inhabitants, inasmuch as the issuing of writs of execution is retarded, thereby occasioning delays and considerable expenses in putting them into execution. Besides, with respect to new causes, it has occurred that judgment has not been rendered until the following year, which would not have happened if the judge had arrived a few days before the opening of the court in each term. It is to my knowledge that the judge has a room in the court-house at Percé, which is set apart for his use, and which he usually occupies during business hours. It is in the same room that the said John Robinson Hamilton had his office, and received his clients during the term of the provincial court at Percé, in 1834 and 1835. Of this I have a personal knowledge.

Friday, 20 November 1835.

Henry Bisset Johnston, esq., a Justice of the Peace for the Inferior District of Gaspé, residing at Point St. Peter, in the county of Gaspé, called in ; and being Interrogated, answered :

I HAVE known the Honourable John Gawler Thompson, as judge of His Majesty's provincial court for the inferior district of Gaspé, since the year 1827 to the present day. I was at Douglass Town, one of the places where the said provincial court is held, in the month of August 1827. I was only one or two days there during the term of the said court. The court had a singular appearance. The judge was in a state of intoxication in the morning, in the middle of the day, and in the evening. I was present one day during the sitting of the court, that day the judge had not had time to shave himself, and it was evident that he was labouring under the effects of the previous evening's dissipation. I do not think that he was then in a fit condition to hear and to decide the causes brought before the court. I only remained about half an hour in court ; but I had seen the judge immediately before the opening of the court, and I saw him after it rose, and at both these times he was in a state of intoxication. I understood from general rumours that the judge rendered a great many judgments during the abovementioned term of the said court. I was informed, also, that there was no court held at Percé in August 1827. I was at Paspebiac in the same year, when the judge went on board a vessel for the purpose of going to Percé to hold the court,

Correspondence
respecting
Mr. Thompson.

and I was again at the same place when he returned. He told me then that he had been prevented from holding the court at Percé by sea-sickness. The judge had taken his passage in the schooner of one Captain Poirrier, whose christian name I do not recollect. I did not know at the time what to make of the judge's assertion, but about an hour after I learnt from Captain Poirrier that the judge had gone on board of his schooner drunk, and that he had gone ashore in the same condition, and that during the passage he kept a supply of drink in his berth. It is the general report that the court did not sit during the Percé term in consequence of the intemperance of the judge. I now believe that the sea-sickness, the cause assigned by the judge, was not the true one, but that it was quite a different one, namely, intemperance. It appears from public rumour that the above-mentioned term of the court at Douglass Town was remarkable for the daily intoxication of the judge. In the same year, the judge stopped at my house at Point St. Peter, on his way from Douglass Town to Percé, after the term of the court at the former place. He was travelling in a barge. He asked me to give him a bottle of rum, which I did. He was then in a state of intoxication. He left me almost immediately, got into his barge, laid down in the bottom of it, and continued his journey. The distance between Point St. Peter and Percé is about seven miles. Since the year 1828 inclusively, I have had occasion to be present during the different terms of the said provincial court in the county of Gaspé, and I did not see the judge under the influence of drink, either during the sitting of the court or out of court. I speak more particularly with reference to the terms of Douglass Town, for I was not present perhaps more than two or three times at the Percé term during the above period. But the said judge is generally considered a drunkard up to this day. The judge is in the habit of leaving Douglass Town the day following the last day of the term. This occasions great inconvenience with respect to the issuing of writs of execution, as the parties thereby incur additional delay and expense. But I cannot be certain that the judge is to blame, because the clerk of the court usually leaves the same day, or about the same time, unless when there are general sessions of the peace held at Douglass Town, in which case the clerk remains there during the sessions, as he is the clerk of that court; but it rarely happens that they are held in that place.

Thursday, 26 November 1835.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

Mr. John Bissin, mariner, residing at Point St. Peter, in the county of Gaspé, called in; and being Interrogated, answered:

I HAVE resided at Point St. Peter since the month of October 1834. I have known the Honourable John Gawler Thompson as judge of His Majesty's provincial court for the inferior district of Gaspé, since the month of November 1834. I was at Percé in the month of August last, during the sitting of the court, and I remained during the whole term, as I had business before the court. I have frequently seen the said judge during the term put on his gown and take it off in a room in the court-house, in which John Robinson Hamilton, esq. conducted his business as an advocate. I saw two bailiffs there, namely, Samuel Ray and John Day, who acted in their capacity of bailiffs, and were also employed as writers for the said John Robinson Hamilton, who also received his clients in the same room. I heard some say that it was the judge's room, others that it was Mr. Hamilton's; but it is a fact that I have seen both these gentlemen together in the same room during the above term. I also attended the term of Douglass Town, in the county of Gaspé, in the present year; and I was present at the sittings of the court during all the term, having business there which required my attendance. During all that time the judge and Mr. Hamilton boarded in the same house and lived together. I have seen them taking their meals at the same table. Mr. Wilkie, one of the prothonotaries of the said court, also boarded in the same house; that is to say, in the house of a man of the name of Briand, an inhabitant of Douglass Town. Messrs. Hamilton and Wilkie could have procured other lodgings in like manner as the other officers of the court. I cannot say whether the said judge was guilty of any acts of intemperance at the Percé term, in the month of August last, but I can say that it was the case at the term of Douglass Town in the month of August last. I recollect, about the middle of the last-mentioned term, seeing the judge, during the sitting of the court, staggering a good deal from the effects of intoxicating liquors. I have also had the same doubts at other sittings of the same term, but I cannot take upon myself to assert it positively. Several persons remarked in court and out of court, that the said judge was not worthy of continuing upon the bench, by reason of his drunkenness. The judge has the reputation of being incapable to discharge the functions of a judge, in consequence of his drunkenness. Public rumour says that the said judge is to this day negligent and inattentive in the execution of his judicial functions. During the two terms above mentioned, I have had occasion frequently to observe, during the sitting of the court, that the said judge showed a good deal of partiality towards Mr. Hamilton, permitting him to use offensive language to the witnesses and to the gentlemen of the bar; but the judge did not show the same indulgence to the other practitioners before the court. It is to my personal knowledge, and it is also a matter of public notoriety, that the said judge is partial to the said John Robinson Hamilton. I have heard Mr. Hamilton say himself, that he could gain four causes out of five in the said court,—that he would bet it; and he added, "you know that I scarcely lost a cause in the last terms of Percé and Douglass Town," alluding to the above-mentioned terms of the said court. It is a fact well known to the inhabitants of the county of Gaspé, that the said John Robinson Hamilton generally obtains judgment in favour of the parties for whom he occupies. From the conversations I have had with several inhabitants, and

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according to common report, it appears that the inhabitants in the county of Gaspé have lost all confidence in the provincial court. I was present at St. Pierre when Mr. Hamilton arrived at the house of Captain William Alexander, who resides there. It was in the beginning of September last, as far as I can recollect. Captain Alexander asked him, "How does it happen, Mr. Hamilton, that I lost my cause against Andrew Rooney?" He answered, "It is the fault of your clerk, for if you had a clerk like Mr. Samuel Ray, I should not lose a single cause." This Mr. Samuel Ray is a bailiff of the said provincial court, and is the clerk or the man of business of Henry Bisset Johnston, esq., merchant at Point St. Peter. Mr. Hamilton on another occasion stated in my presence, and in the presence also of the said Samuel Ray, that the said Samuel Ray was a witness of his, who would state anything he (Hamilton) desired him, in the causes in which he was employed as advocate. And it is the general reputation of the said Samuel Ray, in Gaspé Bay and at Percé, that he is a witness of very doubtful character, to say nothing more. Mr. Hamilton is one of the practitioners in the said court, and is generally said to be the nephew of the said judge.

Wednesday, 2 December 1835.

Mr. *Nicholas Allard*, heretofore of Carleton, in the county of Bonaventure, at present residing in Quebec, called in; and being Interrogated, answered:

I HAVE known the Honourable John Gawler Thompson as judge of His Majesty's provincial court for the inferior district of Gaspé, since the year 1827. I was present at the term of the said court held at Carleton aforesaid in July 1832. I remained at Carleton during the whole of the said term, and I attended each day the then pretended sittings of the said court. The judge proceeded to the place where the court is held, that is to say, in a building erected upon the Carleton beach, where he opened the court, and adjourned it immediately. The judge usually sat at the head of the table in the court-room. I have seen him resting both his hands upon the table, trembling from head to foot, ordering the prothonotary of the court, Amasa Bebee, esq., to close several of the sittings of the said court immediately, alleging that he was afraid of the cholera. I also saw the aforesaid prothonotary, and the other officers of the said court, proceed on one of the sitting days of the said court to the house where the judge boarded; that is to say, in the house of Hilary Michaud, esq., of Carleton, in order to hold the court there. The people assembled there, and I was one of those who got into the room then occupied by the judge in that house. The judge was then sitting at a small table: the aforesaid prothonotary and the other officers of the court sat down at the same table. A few causes were called, but nothing more was done. This pretended sitting of the court lasted about 20 minutes. There was a good many people present, and several of them were politely turned out, on the plea that that was not the place where the court is usually held at Carleton aforesaid, but the private apartment of the judge. I can take upon myself to say, that during the whole of the said term the said judge was intoxicated at the opening of the court each day. This is my firm conviction, and it is also what the inhabitants of Carleton believed and stated publicly. There was a great deal of business before the court during the said term, but it was not proceeded upon, the court being merely opened for form sake, and then adjourned. There was no case of Asiatic cholera at Carleton that I am aware of, nor even in the district, in the year 1832. The general opinion at Carleton was, that the said judge was in a state of intoxication when he said that he could not hold the court in consequence of his dread of the Asiatic cholera, as he pretended. I observed at that time to several of the inhabitants, that if I were one of them I should send petitions to Quebec, complaining of the said judge, and praying for his removal; they answered that it was difficult for them to do so, by reason of their distance from Quebec. I have traded for a number of years back, along the coast of the inferior district of Gaspé, and I can say that the public in general accuse the judge of being too much addicted to the use of intoxicating liquors, and of being incapable of fulfilling his judicial functions, by reason, among other things, of his intemperance. The inhabitants have no confidence in the said court, and they generally say (to make use of their own expression) "it is not a court; it is a pigsty (*cochonnerie*);" and every one laughs at it. According to public rumour, and to my personal knowledge, the said judge is considered a drunkard to this day. It is to my knowledge that the said judge goes to hold the court at Carleton generally on the day before the term commences, and that he leaves on the last day of the term. Of this I have a knowledge, being almost always at Carleton during the term of the court, on my own business. Great inconvenience is occasioned in the despatch of business by this practice.

Saturday, 26 December 1835.

George Mellis Douglass, esq., Physician, at present residing in the city of Quebec, called in; and being Interrogated, answered:

I RESIDED in the county of Bonaventure, in the inferior district of Gaspé, from the fall of 1827 until the month of July 1833, when I left that place in order to reside in Quebec. I was at Gaspé Basin in the said inferior district about the 3d November last, and I was at Carlisle in the county of Bonaventure about the 19th or 20th of the same month, which place I left on the 21st. The court-house for the county of Bonaventure is situate in New Carlisle, and the Honourable John Gawler Thompson resides at Paspébiac, at a distance of about five miles from the court-house. I remained three days in New Carlisle, and started from thence for Quebec, where I arrived on the 15th instant, having come by the Metis road. When I

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arrived at New Carlisle, I was told by several persons that the said judge was accused before the House of Assembly by Joseph F. Deblois, esq., a member of the House. The evening before I left, I met the judge at New Carlisle, coming out of the house of John Robinson Hamilton, esq., advocate, and nephew of the judge. The day of my departure from that place, that is, on or about the 20th November last, I learnt that Captain Thomas Caldwell's schooner was in sight, and I delayed my departure in order to get news from Quebec. On the arrival of the schooner, John Wilkie, esq., one of the prothonotaries of the said court, came ashore on New Carlisle beach, where I spoke to him. Mr. Wilkie mentioned to me the accusation brought against the said judge, and informed me that he was the bearer of letters addressed to the judge on that subject. The said prothonotary having landed his baggage, he opened one of his trunks and gave me letters addressed to the judge, containing, as I presume, a summary of the charges brought against him. I delivered the said letters immediately to the judge in Mr. Hamilton's house in New Carlisle, where I met him. The judge opened one of the letters in my presence, and as he appeared to me very much affected, I thought it proper to withdraw. I do not know who wrote these letters; I suppose it was some one of his relations or friends. To the best of my recollection, Mr. Wilkie and the captain of the schooner informed me that they had had a passage of about eight days. I have known the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, since my arrival in the said district in the fall of 1827. Robert Sherar, esq., coroner of the said district, who came passenger in the said schooner, informed me that the judge had been accused by the said Joseph F. Deblois, esq., and he told me that he had heard that it was the intention to send several witnesses up, on behalf, as I understood, of the House of Assembly. I do not think that either Mr. Wilkie or Mr. Sherar entertained any feelings of hatred, vengeance or resentment towards the said judge. I myself have no cause of hatred, vengeance or resentment towards the said judge.

I attended the judge and his family professionally during my residence in the county of Bonaventure. I have been told by several persons since I left Carlisle, that the judge had been accused as above stated, that is, at Carleton, and more particularly at Ristigouche, in the province of New Brunswick, by John Montgomery, who told me that he had learnt at a dinner which was given him at Quebec by Hypolite Dubord, esq., member of Parliament, at which several other members of Parliament were present, that the said judge had been accused. The said John Montgomery was in Quebec in November last. To perform the journey by land between Carlisle and Quebec, at the time of the year in which I started, would require, I think, 20 days, that is, travelling comfortably. The judge requested me to send him a copy of the petition accusing him before the House of Assembly; this was in a conversation I had with him previously to the arrival of the schooner at New Carlisle. It is impossible for the judge to come to Quebec in winter, by the Metis road, because a man of his age, and weak state of health, is not able to travel with snow-shoes and sleep in the woods. It is doubtful whether the said judge could perform the journey by way of New Brunswick, because the roads are not always beaten for carriages, although there is a road open. I cannot say that this obstacle exists all the winter through, having performed the journey from New Carlisle only once, and that in the winter of 1833. I have no personal knowledge of the existence of this obstacle, having only heard of it during my journey in the year 1833, from persons residing at the Portage; but the said judge can come to Quebec by way of the state of Maine. I myself traced out the route he would have to follow in performing the journey that way; it can be performed with great ease and comfort. By passing through the United States, the journey from Paspébiac to Quebec can be performed in three or four weeks at the most, because there is a stage all the way through by which the traveller can come even to Pointe Lévi.

Monday, 4 January 1836.—ELZEAR BEDARD, Esquire, in the Chair.

Mr. *Patrick Enright*, heretofore of l'Ance du Cap, in the county of Gaspé, at present residing in the township of Sherrington, in the county of Acadie, Farmer, called in; and being Interrogated, answered:

I HAVE known the Honourable John Gawler Thompson as judge of the provincial court of the inferior district of Gaspé from the time he was appointed judge of the said inferior district. I was the holder of four promissory notes for 42*l.* 9*s.* 4*d.* each, making altogether the sum of 169*l.* 17*s.* 4*d.* These four notes had been made by Jacques Lamy of Paspébiac in the county of Bonaventure, in the said inferior district, farmer, trader and tavern-keeper, in favour of James Shannon, formerly of Hope Town, in the county of Bonaventure, in the said inferior district, and now of Ance du Cap aforesaid, in the county of Gaspé aforesaid. These notes had been so made by the said Jacques Lamy in favour of the said James Shannon, for and in consideration of a lot of land situate at Hope Town aforesaid, which the said James Shannon had sold to the said Jacques Lamy. The said notes had been indorsed to me by the said James Shannon, in part payment of a lot of land at Ance du Cap, which I sold him, and on which he now resides, having determined on leaving the district of Gaspé, and settling myself in the district of Montreal; which I did by becoming a resident in the said township of Sherrington. The said notes were payable at different times, but I cannot exactly remember at what times or dates. I went down to the inferior district of Gaspé in the month of July of the year 1834, to obtain payment of two of the said notes from the said Jacques Lamy, one of the notes becoming due in the month of August 1834. The first of them being then due, and having been so since the month of May in the said year 1834. The said Jacques Lamy pretending not to have the means of paying me, offered to
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procure me payment of 140*l.* By a draft, which he would obtain from the Honourable John Gawler Thompson, payable at the Quebec bank at 90 days' sight, if I would return him the four notes aforesaid, of which I was the holder and owner. I accepted the offer of the said Jacques Lamy, and he gave me the judge's draft for 140*l.* currency, drawn on the Quebec bank at 90 days' sight, and I delivered up to the said Jacques Lamy the four notes aforesaid. I thus consented to lose the sum of 29*l.* 17*s.* 4*d.* for the sake of obtaining the money, of which I was in great need, and of avoiding the expense of travelling and a considerable loss of time, the distance from the said township of Sherrington to Paspebiac aforesaid being about 270 leagues. The said draft was subsequently protested for non-payment; the answer given was, that the said judge had no funds at his disposal in the said Quebec bank. The notary employed to make the protest was Mr. Campbell, of the lower town of Quebec. I went down to Paspebiac in August last, and went to the said honourable judge to demand payment of the said draft (so protested as aforesaid) for the sum of 140*l.* currency, and of the interest and the costs of the protest. I met the judge at his residence at Paspebiac aforesaid, on or about the 1st of September last. I represented to him the damages I had suffered, and the loss of time and expense which I was incurring. He replied, that if I applied to John Robinson Hamilton, esquire, advocate, (the nephew of the said judge) he would pay me the amount of my demand. Mrs. Thompson being present, told me that I had better have nothing to do with the said Mr. Hamilton, and that I should do better to keep the judge's draft. The said judge then made a sign with his head to his lady, and she said no more. The said judge repeated his offer, and pressed me to apply to the said Mr. Hamilton for payment of my demand. I did not know what to do; but the judge pressed me a third time to accept his offer, adding, "Mr. Hamilton will pay you the amount of your demand in cash, and I will give him my promissory note for a like sum." I withdrew with the intention of applying to Mr. Hamilton for what was lawfully due to me from the judge. I went to Mr. Hamilton's house, but was informed that he was not at home. I went again the following day (the 6th of September last), but was again unable to see him, as I was informed that he was not at home. I went again to Mr. Hamilton's on the 7th or the 8th of the same month, and met the judge in his carriage conversing with Mr. Hamilton. They were talking and appeared busy; they were at the corner of the house. I addressed myself first to the judge and entreated him to pay me. He then said, "Mr. Hamilton will settle this business directly, go with him." The judge then left me immediately, in great haste. I then spoke to Mr. Hamilton, who replied, repeating his words, "I am going to pay you, I am going to pay you." I understood that I was going to be paid immediately, and as it was near noon I withdrew, intending to return after dinner. I then went to the kitchen of the gaoler of the common gaol at New Carlisle, this building being very close to Mr. Hamilton's house, where I asked leave of the gaoler to light my pipe: he gave me leave, and when I was about to withdraw, he pressed me to sit down, in order, as he said, that we might have some conversation. Not suspecting anything, I accepted his offer, and about ten minutes afterwards, Martin Sheppard, esquire, sheriff of the inferior district of Gaspé, came into the gaoler's kitchen where I still was. The said sheriff appeared to me to be very gay and happy, and after having walked about the kitchen a little while, he came up to me, and laying his hand on my shoulder, said, "You are my prisoner." The said sheriff then addressing John McClellan, the gaoler aforesaid, said to him, "Take care of your prisoner." The sheriff then went out smiling. The gaoler then took me by the arm, and showed me into one of the rooms in the said gaol appropriated for the prisoners, saying, "That is your room, but during the day-time you will have the whole building and the yard for your prison." I remained a prisoner in the said gaol at New Carlisle, from the 7th or 8th of September last, until the 14th of the same month, on which day I was admitted to bail, during the sitting of the court, that being the day of the return of the writ of *capias ad respondendum*. I was so arrested at the suit of Peter Duval, of the island of Bonaventure, in the county of Gaspé, and of Amice Duval, of the island of Jersey, in Europe, (as having been formerly partners in business in the said island of Bonaventure, under the name and title of Peter Duval & Company,) for the sum of 12*l.* 15*s.* 9*d.* currency, as appears by the copy of the writ of *capias ad respondendum* certified by Martin Sheppard, esquire, sheriff of the said inferior district of Gaspé, the said writ having been issued on the affidavit of John Robinson Hamilton, esquire, the attorney of the plaintiffs in the said cause, who took upon himself, as attorney for the said plaintiffs, to swear that I was indebted to the said plaintiffs in the sum aforesaid of 12*l.* 15*s.* 9*d.* currency, which is false; for if the said Peter Duval & Company gave me credit for what I have delivered to them, they would owe me a balance. I now produce a copy of the said writ, and of the declaration in this cause, served on me by the said Martin Sheppard, esquire, sheriff of the inferior district of Gaspé, at the time I was arrested. Having been heard by my attorney, J. F. Deblois, esq. advocate, I was set at liberty, and the action dismissed with costs; but I do not know on what grounds. After having been set at liberty, I instructed my attorney to take communication of the affidavit of the said John Robinson Hamilton, esquire, the attorney of the plaintiffs, and also their attorney and advocate in the cause aforesaid. The said J. F. Deblois, esquire, advocate, my attorney, afterwards informed me that it was impossible for him to obtain communication of the said affidavit, or to procure a copy thereof certified by the prothonotaries of the provincial court of the inferior district of Gaspé, because, as he was informed by John Wilkie, esquire, one of the prothonotaries of the said court, the said affidavit was in the possession of the said John Robinson Hamilton, esquire, advocate, and not in the possession of the said prothonotaries. I went to the residence of Peter Duval, one of the plaintiffs in the cause aforesaid, in the island of Bonaventure, to ask him to furnish

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furnish me with the account which the said firm might have against me. This gentleman gave me the bill of particulars which I now produce, and told me that it was the only claim which the firm had against me. I ought to inform the committee that I never dealt with Peter John Duval, but that the greater part of the articles mentioned in the said bill of particulars were bought by me from the firm of Peter Duval & Company, and not from Peter John Duval. The account is signed by Peter Duval, tutor, who is the same person as Peter Duval, partner of Amice Duval, the plaintiffs in the cause above mentioned. By the account aforesaid, it would appear that I only owed the sum of 11 *l.* 0*s.* 3*d.* currency. I ought to repeat, that if credit were given to me for all that I have given in payment for the goods for which I am debited, and if the overcharges in the prices, and the price of certain articles which I never purchased, were deducted from the debit side of the account, Peter Duval & Company, or Peter John Duval, or Peter Duval, tutor, would owe me a balance. It was on the 26th day of September last that I was at the house of the said Peter Duval, in the island of Bonaventure aforesaid, in the county of Gaspé aforesaid, when and where he likewise told me that he had never instructed the said John Robinson Hamilton, esquire, advocate, to sue me; that the said advocate had done so entirely of his own accord, and that he (the said Duval) considered the said Hamilton as the only person responsible; that he meant to pay no costs. The said Duval further told me that he could not himself prove the delivery of the articles entered to my debit in the said account which I have produced to the Committee, because the said articles had been sold by the clerks of Peter Duval & Company, which clerks were then in Europe; and that as for himself, the said Peter Duval, he had no knowledge whatever of this transaction. He strongly disapproved of the conduct of the said John Robinson Hamilton towards me, and assured me that he (the said Duval) had taken no part in the business, and that he was going to write to his said attorney for the purpose of preventing similar suits against his debtors in future. During the time I was detained in the common gaol at New Carlisle aforesaid, for the cause aforesaid, John Robinson Hamilton, esquire, advocate, came to see me on several occasions, and proposed to me,—First, That I should pay to the plaintiffs in the said cause, the sum of 12 *l.* 15*s.* 9*d.* currency, with interest. Secondly, That I should pay him the said John Robinson Hamilton, esquire, advocate, the amount of his costs and disbursements in the said cause; that he would then pay me in cash the amount of the balance which might be due to me out of the draft for 140 *l.* currency, made in my favour by his uncle the Honourable John Gawler Thompson, the judge aforesaid: he added, that he would account to me for the interest and the costs of protest. I rejected these offers, which he made to me several times during my imprisonment. I told him that I intended to contest the suit, because I considered it unjust, to which he replied, laughing, that it would not be easy for me to get rid of that business, and that it was my interest to accept the offer he made me. John McClellan, the gaoler aforesaid, privately held the same language to me; but I gave a refusal on every occasion, having made up my mind to contest the suit, which I considered unjust and oppressive. After I was set at liberty as I have before stated, I went immediately to the residence of the judge at Paspebiac, for the purpose of again demanding payment of what he owed me. I had scarcely entered the room in which the judge was sitting with his lady, when the latter said, “Ah! ah! Mr. Enright, you would not follow my advice; I told you not to go to Mr. Hamilton; if you had kept away from New Carlisle you would not have been in gaol.” I replied that I was not aware of the danger, and did not know that I was watched for. The judge was present, but said nothing to me. I then spoke to the judge and said that I believed it would be better for me to make him a present of what he owed me, rather than be obliged to travel so far and so often, incurring great expenses, neglecting my business and ruining my family, and getting myself imprisoned into the bargain without receiving what was due to me: I ended by saying that I now hoped to receive my money. The judge then said, “Go back to Quebec, the warrants have been issued long since, and you will receive your money without delay.” He then paid me some money on account of the interest due to me; I think it was 8 *l.*, but the judge has my receipt. This is all that I have received from him up to the present time. I have received from a Mr. Gibb about 36 *l.*, and about 3 *l.* from Mr. Racey, the judge’s brother-in-law. I drew for the said sums on Mr. Freer, the cashier of the Quebec bank, who I believe accepted the drafts. Mr. Freer is in possession of the draft for 140 *l.* made in my favour by the said judge. I have been obliged to receive goods from Mr. Gibb to the amount of 36 *l.* or thereabouts, not being able to get my money. When I consider the journies I have made to try to obtain my money, the privations to which I have been subjected, my loss of time, the damages I have suffered by being absent from home, my imprisonment, and the troubles which it occasioned me, I can safely say that if I had to go through the whole over again, I would rather lose the sum that was due to me. Last week I asked Mr. Freer for payment of what was owing to me, and he said, “Don’t tease me, you have teased me too much already.” I was informed by the wife of the said Jacques Lamy, that when the said judge gave the draft for 140 *l.* in my favour, he received a like sum from the said Jacques Lamy in cash; so that the said judge has been using my money; the said Jacques Lamy has gained a considerable sum; and I alone have borne the loss. The said judge occupies one of the houses of the said Jacques Lamy. It is notorious that the said judge and the said Jacques Lamy have many dealings together. The common report is, that when the said Jacques Lamy has any causes in court, judgment is commonly given in his favour, which makes many people believe that there is very little chance of succeeding in any cause where the said Jacques Lamy is on the opposite side. This has been remarked ever since the judge has been the tenant of the said Jacques Lamy. I have never been out of

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Lower Canada since I came to America, except twice or three times, when I went by water to the province of New Brunswick, and this was about fourteen years ago. I then lived at Hope Town, in the said county of Bonaventure. I went on some little business which I had in the province of New Brunswick. I have been sixteen years a resident in Lower Canada. It is my firm conviction that I was imprisoned in the said common gaol at New Carlisle, under the pretext aforesaid, merely for the purpose of preventing me from speedily recovering the money which the said judge owed and still owes me. Before, during, and after my imprisonment in the said gaol at New Carlisle, as hereinbefore more amply mentioned, I was altogether destitute of resources: my old acquaintances furnished me with the means of subsistence. The money I received from the said judge served to carry me home. When I was imprisoned as before stated, I sincerely believe that if I had not been advised and encouraged, I should have given way to my grief so far, as rather to have died than remained in gaol. I was also unwell before I was arrested. I had not the means of paying an advocate to defend me; but I was defended, and have not yet paid a single farthing for want of the means. I am persuaded that one of the motives which induced the bail to come forward at the time of the return of the *capias ad respondendum* to procure my liberty, was the assurance they received from my advocate that they ran no risk in becoming bail for me; and I think that had it not been for this, I could not have found bail. The result of the vexations I have endured in consequence of the non-payment of the judge's draft is, that my wife is now in service, my two children boarded among my neighbours, and I myself am at Quebec without the means of subsistence. I can conscientiously say that what I have stated above has not been from motives of hatred to the judge, but solely because I wish the truth to be known. I ought to avow that I hope to obtain justice. Before I was arrested at the pretended suit of Peter Duval & Company, I had said to the said judge, that if I insisted so strongly upon being paid what was due to me, it was because I was anxious to return to the district of Montreal to join my family, who were then in great want; and that if I did not receive the said sum I should be ruined, as I now am. I know that the district of Montreal is in Lower Canada. I went from Sherrington to Paspebiac in the summer of 1834, at which time I received the judge's draft. I returned to Paspebiac last summer to obtain payment of the protested draft of the said judge; and I made another journey from Sherrington to Quebec in 1834, to get the said draft protested; making in all 1,220 leagues which I have travelled about this unfortunate business, without reckoning my present journey, which will be 140 leagues by the time I get home, making altogether 1,360 leagues. I reckon 200 leagues from Quebec to Paspebiac; several masters of schooners in the said inferior district of Gaspé having told me that was the distance.

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Monday, 11 January 1836.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

M. Germain Durand, of Ristigouche, in the county of Bonaventure, Merchant, called in; and being Interrogated, answered:

I HAVE resided at Ristigouche aforesaid, for five years past, and have been perfectly well acquainted with the Honourable John Gawler Thompson, as judge of the provincial court of the inferior district of Gaspé, for several years. I left Ristigouche aforesaid on the 28th of December last, and arrived at Quebec on the 7th instant, coming by the Metis road. The distance from Paspebiac to Ristigouche is about 26 leagues. On or about the 10th of December last, I received by post, at my house, one of the numbers of the newspaper, called "Le Canadien," being number 84, and published at Quebec, on the 23d of November last, in which paper is published, at full length, the petition of Joseph F. Deblois, esq., advocate, accusing the Honourable John Gawler Thompson of high crimes and misdemeanors, as more particularly set forth in the said petition, published in the said number of "Le Canadien" aforesaid. Two days afterwards I was at Carleton, and on the following day the people spoke openly of the said accusation. I was at the house of Frederick Bijeau, of Carleton, where about 20 of the inhabitants of the place were present; they said that the said petitioner had done well to accuse the said judge, who was unworthy to sit on the bench. From what I learnt at different places, it appeared that the said accusations were known at Carleton before I arrived there. I met Mr. Armstrong and his lady proceeding to the county of Bonaventure by the Metis road; they were then about nine leagues from Ristigouche. I reside at Ristigouche, at a distance from the courts of law, and I have no personal knowledge of what passes in the said courts, having never attended any sitting of the provincial court, and having little occasion to communicate with the inhabitants of the inferior district of Gaspé, my trade being confined to the several localities in the neighbourhood of the mission of Ristigouche, which is at the mouth of the Ristigouche River; I may say above the said river.

Saturday, 16 January 1836.—ELZEAR BEDARD, Esq., in the Chair.

Edouard Thibaudeau, Esq., a Member of the House, called in; and being Interrogated, answered:

I ARRIVED in the district of Gaspé in the spring of the year 1828, for the purpose of practising there as an advocate and attorney. I have resided there ever since that time, with the exception of the intervals when my duties, as representative of the county of Bonaventure, have called me to Quebec. I have known the Honourable John Gawler Thompson during the whole of that time, as judge of the provincial court of the inferior district of

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Gaspé. From the year 1828, until the summer of 1832, I heard, as the common report, that the said judge was addicted to the immoderate use of intoxicating liquors. I do not, however, remember to have seen him during the said period in a state of intoxication. But in the summer of the year 1832, during the time of the holding of the court at Carleton, in the month of July, I saw the said Honourable John Gawler Thompson intoxicated several times, both while the court was sitting and when it was not. On one day he was even unable to go to the court-house, and opened the court in his room, in the house of Hilari Michaud, where I was myself residing. It is to my knowledge that there were several suits then before the court, and I was myself attorney in some of them. A part of these suits could not be determined (to the great detriment of the parties interested), on account of the intemperance of the said judge. The intemperate conduct of the said judge during this time was so great, that a great many of the inhabitants of the place perceived it. Some of them were afflicted about it, but the greater number turned the judge into ridicule. I think that conduct of this kind was calculated to create distrust, and to bring contempt on the administration of justice. From the year 1832, until I left Gaspé for Quebec, last autumn, I have frequently had occasion to meet the said Honourable John Gawler Thompson during the holding of the courts in the inferior district of Gaspé, and in the vacations, and without being able to say that I ever saw him drunk. I have often seen him under the influence of intoxicating liquors, and in such a state as to make me doubt whether he was fit to decide on the matters which I had to submit to him. This consideration has frequently made me put off till another day business which the judge could have determined at the moment, if I had thought it prudent to submit it to him in the state in which I saw him. I speak of business to be transacted both in court and at chambers. I have seen him a great many times almost unfit to sign his name, in consequence of his intemperance. I may add, that the common report from the year 1832, until my said departure from Gaspé, has been that the said judge is addicted to the use of intoxicating liquors. The dangers and inconveniences which I have pointed out as resulting from the conduct of the said Honourable John Gawler Thompson are not the only ones to which the inhabitants of the inferior district of Gaspé are exposed by his conduct. It is to my knowledge that the said judge is in the habit of proceeding to the several places where the court is held in the district of Gaspé, so as to arrive there only on the evening before the opening of such courts, and of going away again immediately after the last sitting of the court, much to the prejudice of the interests of the inhabitants of the several localities in which the courts are held, both with regard to the issuing of writs of *saisie arrêt* before judgment, and of writs of execution after judgment: an inconvenience which would be avoided if the said judge would proceed to these several places a few days before, and only leave them a few days after the holding of the said courts. It is to my knowledge that the said judge has absented himself several times for the purpose of coming to Quebec in the spring, just before the holding of the court at Carleton, whereby great damage has sometimes been occasioned to persons who had occasion to sue out writs of *saisie* before judgment. I can cite, among others, the case of Hilari Michaud *against* William Dunbar. I was employed by Hilari Michaud to take out a writ of *arrêt simple* against the goods and chattels of the said William Dunbar. I was then at Carleton. I went for the said purpose to New Carlisle, a distance of about seven leagues, to obtain the signature of the judge, and the writ of *saisie arrêt* from the office of the provincial court, but was unable to obtain the same because the judge was absent from the inferior district of Gaspé. Under these circumstances, the parties entered into an arrangement, and the writ was not subsequently taken out. As the object was to seize a brigantine which was on the point of sailing, the said William Dunbar might in the interval have withdrawn it from the reach of the said Hilari Michaud, who would in that case have sustained ruinous damages. With regard to the inconvenience which may arise from the precipitous departure of the judge after the circuit courts, I shall relate the following fact:—Robert Ferguson, esq., of the province of New Brunswick, employed me, in 1828, during the circuit at New Carlisle, to sue out of the provincial court a writ of *saisie arrêt simple* against Robert Pitt, Samuel M'Kay and James M'Kay, and a writ of *saisie arrêt en mains tierces* against property in the hands of Andrew Deans and Hugh Aitken, merchants in partnership at Ristigouche, in the district of Gaspé, to the amount, as far as I can recollect, of 600*l.* or 700*l.*; the action being returnable into the court of King's Bench at Quebec. I applied to the said judge on the last day of the term at Carleton, after the last sitting, for the purpose of getting the plaintiff sworn, and obtaining the fiat of the judge, who was then on the eve of his departure. The said judge told me that he was not authorized to give an order of this kind. I begged him to stop an instant, and that I would convince him that he had power to do so. I went to fetch the statute which gives power to the provincial judge of the district of Gaspé to issue such writs for any sum whatever above 100*l.* currency, returnable before the Court of King's Bench for the district of Quebec. When I returned, I found the judge on the beach, on the point of embarking for New Carlisle. He persisted in the opinion he had formed, and the plaintiff could not obtain the writ he wished for. I was informed by the plaintiff some time afterwards that he had obtained the writs, but had not been able to overtake his debtors, and had thus lost the amount of his debt. Great inconvenience also arises to the dispatch of business, from the judge's residing at Paspebiac, a distance of about five miles from the town of New Carlisle, where the court-house and the prothonotary's office are. In cases of *arrêt simple* or of *capias ad respondendum*, the debtors have time to conceal their effects, or to withdraw into the province of New Brunswick, by crossing the bay, before the creditor can obtain the fiat of the judge. It is only by overcoming many difficulties that a creditor

creditor is able to obtain a writ of *saisie* before judgment. He must in the first place go to the said judge to take the oath required by law, in order to obtain the fiat for issuing such writ. He has then to come to the prothonotary's office, where he obtains his writ. He must then go back to the judge to get him to sign the writ; and he has then to return to New Carlisle to put it into the hands of the sheriff of the district; so that a creditor who has perhaps already come 10, 15 or 20 leagues, to get to his attorney at New Carlisle, has afterwards to make a journey of 20 miles more to obtain his writ. The attorneys also experience great difficulties with regard to the business they have to transact at the judge's chambers, as in the taxation of costs, the suing out of writs of execution, the appointment of tutors, the proving of marriages, baptisms and burials, probates of wills, and other business commonly done at chambers before the said judge; and this in consequence of the negligence of the said judge, who attends very rarely at chambers, and who, when he comes there, only remains a few minutes, and frequently comes before or after the hour he may have previously appointed.

George Mellis Douglass, Esq., again called in; and being Interrogated, answered :

ON or about the 19th December last, at the request of Henry O'Hara, esq., of Gaspé Basin, in the inferior district of Gaspé, I went to the residence of Amasa Bebee, esq., one of the prothonotaries of His Majesty's provincial court for the inferior district of Gaspé, and being there I asked the said prothonotary to let me have a copy of the record in the case of Henry O'Hara, plaintiff, against Pierre Duval *et al.* defendants, No. 713, in which cause the said Henry O'Hara had appealed to the Court of King's Bench for the district of Quebec, from the judgment rendered in the said cause in His Majesty's provincial court for the district of Gaspé. The said prothonotary informed me that he had given the copy of the said record to the Honourable John Gawler Thompson, judge of the inferior district of Gaspé, who had it in his possession. He wrote to the said judge to request him to give me the papers I asked for; the judge answered that they were in the possession of John Robinson Hamilton, esq., advocate, the attorney for the defendants in the cause above mentioned. The said judge himself told me the same thing. I went to the house of the said John Robinson Hamilton, esquire, who acknowledged that he had the said papers, but refused to let me have them, saying, 1st, that the said copy was incorrect; 2dly, that the appellant had not paid the prothonotary what the latter was entitled to for the cost of the said copy of the record. Not thinking these reasons sufficient, I withdrew and gave instructions to Martin Sheppard, esq., notary-public, to protest against the said prothonotaries for all cost and damages sustained or to be sustained by the plaintiff in the said cause by reason of the non-transmission of the copy of the record in the cause above mentioned to the court of King's Bench at Quebec in due time. I have just learned from Edouard Thibaudeau, esq., advocate, that the papers in question are now in the post-office at Quebec, but I have no personal knowledge thereof. I know that the said judge occupies a house at Paspebiac, the said house being the property of Jacques Lamy. I have heard that he had a good bargain of it.

Tuesday, 19 January 1836.

Mr. Pierre Tivierge, of Quebec, Mariner, called in; and being Interrogated, answered :

FOR more than 10 years I have been master of a vessel, and I have been for the greater part of the time employed between the port of Quebec and the county of Gaspé. I know the Honourable John Gawler Thompson as judge of the provincial court of the inferior district of Gaspé. I have for the greater part of the time aforesaid been engaged in a barter trade in the county of Gaspé and along the coast thereof, and I have consequently frequently visited the principal localities in the county, and particularly those where the fishing is chiefly carried on. I am able to say that the common report is, that the said judge is addicted to the use of intoxicating liquors, in consequence of which the inhabitants of the said district have no confidence in the said court. They laugh and make a jest of it. I have been in the habit of going at different times into the court out of curiosity, and have myself witnessed the little respect which the inhabitants have for this tribunal. I have in this manner attended at the sittings of the said court at different times, both during the term at Percé and that at Douglass Town, from the year 1828 up to the term at Douglass Town last year. It is a fact that the inhabitants of the said county have no confidence whatever in the said court, because they say that the judge evinces partiality for John Robinson Hamilton, esq., one of the advocates practising in the said court, and nephew of the said judge. It appeared to me also at different times during the sittings of the court, that the said judge is partial towards his said nephew. From the year 1828 up to the last term at Douglass Town, as above mentioned, I have at different times remarked at the several terms of the said court, that there was something singular about the person of the said judge during the sittings of the court; but I cannot say exactly what was the cause of this. I can only say, that at the last term of the said court at Douglass Town, I saw the said judge drunk upon the bench while the court was sitting, one day during the said term; but I cannot remember precisely on which day. I think it was towards the end of the last term at Douglass Town.

How did you perceive the partiality of the judge in favour of his nephew; state the facts?—
In a cause where one Taylor was defendant, and one Basin plaintiff, it appeared to me,

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from what I personally knew of the business, that Basin ought to have gained his cause; but I did not hear all the evidence given.

Thursday, 21 January 1836.

Mr. *Etienne Lebreux*, of St. Thomas, in the county of l'Islet, joiner, called in; and being Interrogated, answered:

I HAVE known the Honourable John Gawler Thompson as judge of the provincial court of the inferior district of Gaspé, since the month of June in the year 1827, at which time the judge arrived at Paspébiac, in the county of Bonaventure, in the said inferior district, to replace the Honourable Alexis Caron, provincial judge of the said district, who died at Paspébiac in the winter of the same year. I lived at Percé, in the county of Gaspé, in the said inferior district, from the spring of the year 1826 to the fall of the year 1829, and I have regularly gone to Percé aforesaid every spring, since the year 1834 inclusively. I did so for the purpose of fishing for cod in the spring and fall, so that I remained at Percé during the years aforesaid, from the 10th or 12th of May until the 10th or 15th of October on the average, after which time I returned to St. Thomas, my usual place of residence. In the year 1833, however, I passed the winter at Percé. I was also employed by Jacques Lamy of Paspébiac aforesaid, as a joiner, from the 10th of September 1830, or thereabouts, to the 10th of May, or thereabouts, of the year 1831, at which time I returned to Percé to fish, as I have stated above. I was employed by the said Jacques Lamy during the whole of the said time, in constructing a house built by him at Paspébiac. The said judge occupies the said house, and it was built for his use, according to what the said Jacques Lamy told me, as did also the said judge himself, who came frequently to give us directions about dividing it, which we followed, with the approbation of the said Jacques Lamy. We were several workmen employed in building the said house. The said judge came regularly several times a day to give us his orders, and I must confess that I have frequently heard him talk nonsense, and repeat over and over what he had told us (which amused the workmen very much) in consequence of his immoderate use of intoxicating liquors. I did not see the judge drink on these occasions; but it is my intimate conviction that he was drunk. I have seen the said judge sober, and he certainly did not talk nonsense then, nor did he repeat his words over and over as he did when he was under the influence of intoxicating liquors. One time among others, (it was in March 1831), during the term of the court at New Carlisle, the said judge asked me to drive him to the said court, and I did so, as he appeared to me to be in a state of intoxication. I asked him when he got to New Carlisle, whether the court was going to sit, and remarked that I intended to return. He replied, you may go back; I do not think there will be any court to-day. He then got out of the carriage, walking tolerably well. I went into the room in which the court is held in the said court-house at New Carlisle, and after having waited some time, I went into the judge's room to ask him whether there would be any sitting of the court. The said judge then said to me, "You may go back, I am pretty sure there will be no court to-day." He got up, but could not stand, in consequence of the quantity of spirituous liquors he had taken. I then left the judge and went back to Paspébiac. He got there himself almost as soon as I did, that is to say, about half an hour afterwards. He was then in a state of intoxication, and threw up what he had taken, at the side of his own house. I remember a conversation I had with the said judge relative to a certain action, in which the said Jacques Lamy was plaintiff, and François Dugué, commonly called François Jean Marie, was defendant, both being resident at Paspébiac aforesaid. As far as I can remember, this action was brought for verbal defamation; it was about term-time in the year 1831. I asked the judge what he thought of this business, saying, that for my part I thought that François Dugué was not in the wrong, according to what Jacques Lamy, plaintiff, himself acknowledged. The said judge at first said to me, "I do not know who will win." But he afterwards said, "You know the said François Dugué, he is a man who does harm in the place, you know that he is a mischievous man, and even if he was in the right, the law must be against him." I do not mean to say that those were the very words used by the judge, but they contain the substance of what he said to me. The common report is, that the judge is a drunkard; and such was the common belief from the time of my arrival in the said district, until I left Percé in the fall of 1834. According to my own knowledge of the matter, the inhabitants of the county of Gaspé, and of a part of the county of Bonaventure where I have lived, have not confidence in the said judge; he is generally laughed at and ridiculed. The house of the said Jacques Lamy, in which the judge lives, is a large and handsome house; it is rented to the said judge at 60*l*. I remember that when the lease was made, it was calculated that the said Jacques Lamy was to give the judge more than 40*l*. worth of articles, while he was only to get 60*l*. a year for the use and occupation of his said house, and that the said Lamy would not therefore receive nearly the legal interest of his money, because a house, such as that was, must have cost the said Lamy from 700*l*. to 800*l*. I have heard that the distance from the place where the judge lives, to the court-house at New Carlisle, is six miles; it may be less. When I was in the employment of the said Jacques Lamy, the said judge bought every thing he wanted from him. There were a great many transactions between them, with the nature of which I am unacquainted. The said Jacques Lamy had at that time a number of actions pending in the provincial court. I have no hatred or animosity against the said judge, having never had any transaction with him; on the contrary, he was a very good man to me.

Mr. *Louis Boulet*, of the parish of St. Thomas, in the county of L'Islet, Mariner, called; and being Interrogated, answered:

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I HAVE been in the habit of coasting along the shore of the inferior district of Gaspé since the year 1830. It is to my knowledge that the common report is, that the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, passes for a drunkard, and is reputed such. I know this from numerous conversations which I have had at different times with the inhabitants of the several localities of the said inferior district. I can say that the inhabitants there have no confidence in the said judge. I have frequently had occasion to remark that the said judge was laughed at and ridiculed; on one occasion, among others, at Douglass Town, in the county of Gaspé, in the said inferior district, at the term of the said court in the month of August last, I observed, while the court was sitting, that the said judge was drunk on the bench, as I was convinced. I could not help remarking it, as did also many other persons who were present at the sitting of the said court. I do not remember the exact day, but it was about the end of the term of the said court above mentioned. It is also to my knowledge that the common report is, that the judge shows great partiality to his nephew John Robinson Hamilton, esq., one of the advocates practising at the said provincial court. When a suitor loses his cause, he generally regrets that he did not employ the said John Robinson Hamilton, who is generally reputed to gain all his causes, no matter what they are. I know the said Honourable John Gawler Thompson, as judge of the said inferior district. In the month of August last, particularly, I had conversations with many of the inhabitants of Douglass Town aforesaid, who told me that they had frequently seen the said judge drunk on the bench while the court was sitting, at several terms of the said court held at Douglass Town.

Mr. *André Dominique*, of the parish of St. Thomas, in the county of L'Islet, Mariner, called in; and being Interrogated, answered:

SINCE the year 1830 I have been in the habit of coasting along the shore of the inferior district of Gaspé, and it is to my knowledge that, according to the common report, the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, passes for a drunkard, and is reputed such. I know this from numerous conversations I have had at different times with the inhabitants of the several localities of the said inferior district. I can say that the inhabitants thereof have no confidence in the said judge. I have often had occasion to observe that he was laughed at, and turned into ridicule. On one occasion, among others, that is, at Douglass Town, in the county of Gaspé, in the said inferior district, at the term of the court held in August last at Douglass Town, I saw the said judge, as I am convinced, drunk on the bench while the court was sitting. I could not help remarking this, as did also many others present in court. I do not remember the exact date, but it was about the end of the said term of the said court. It is also to my knowledge that the common report is that the said judge shows great partiality in favour of his nephew John Robinson Hamilton, esq., one of the advocates practising at the said provincial court. When a suitor loses his cause, he is generally sorry that he did not employ the said John Robinson Hamilton, who is commonly reputed to gain all his causes, be they what they may. I know the said Honourable John Gawler Thompson, as judge of the said inferior district. In the month of August last, in particular, I had conversations with many of the inhabitants of Douglass Town aforesaid, who told me that they had often seen the judge drunk on the bench while the court was sitting, at many of the terms of the said court held at Douglass Town.

Saturday, 23 January 1836.

Mr. *John Green*, of Paspebiac, in the county of Bonaventure, called in; and being Interrogated, answered:

I HAVE known the Honourable John Gawler Thompson, as judge of His Majesty's provincial court for the inferior district of Gaspé, ever since his arrival at Paspebiac aforesaid, in the spring of the year 1827, at which time the said judge came to Paspebiac to replace the Honourable Alexis Caron, also judge of the said inferior district, who died at Paspebiac aforesaid in the winter of the same year. I lived at Paspebiac during 15 years consecutively, and left it in the spring of the year 1833, since which time I have been employed in different parts of the district of Quebec, and of the said inferior district. From the time of the appointment of the said Honourable Alexis Caron as judge of the said inferior district, until his decease, I lived with him as his cook, after his death I became a trader in the said inferior district of Gaspé; I have since taken up my former profession again. According to the common report, the said Mr. Justice Thompson is reputed to be a drunkard, and I know him myself as such. In the month of August, at Percé, during the term in the year 1827, and at the beginning of the said term, being then on board the schooner of Charles Poirrier, one Mr. Money, then known by the name of Doctor Money, asked me, on behalf of the said judge, to give him two bottles of Cognac, which I did, telling him at the same time that I had goods to sell, but not to give away, but that I did not wish to disoblige the said judge. He then went ashore with the two bottles of Cognac. I followed him a short time afterwards, and went to pay my compliments to the judge where he was living, which was at the house of one Edmund Fleen; I found the said judge thoroughly drunk. When he saw me,

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he got up, and said to me, weeping, I am very glad to see a man that I know. He added, I feel very lonely without my family and my wife; I am going to return home because I am home-sick; he used the English word "home-sick," and added, I am going to pack up my things and go back with you, which he did that very evening; for he embarked on board the schooner "La Reine," of which the said Captain Poirrier was master. I helped the said judge to pack up all his things, and to get on board the said schooner. We weighed anchor some time afterwards, and started for Paspebiac, where the judge lived. In this way he left the court, and all the officers at Percé in the said year, and this during the term of the court, so that there was no term of the court at Percé during the said year. We took three nights and three days to get to Paspebiac, in consequence of contrary winds. At last we arrived at Paspebiac; we put the said judge ashore, and I went to conduct him to his house in the night-time, in order that his arrival might not be remarked by the inhabitants. The judge was thoroughly drunk when he came on board the schooner, as aforesaid; he was in the same state throughout the whole passage; went ashore as he came on board, that is to say, thoroughly drunk; and I left him in the same state at his own house. It was at my expense that the said judge was drinking during the whole voyage, and he also broke me a good many glasses and other articles, of which he had need in the state he was then in; I must beg the committee to excuse my calling these articles by their names. When I was about to leave the said judge at his house at Paspebiac, he said to me, I have given you a great deal of trouble, you have taken care of me well, and I shall recompense you liberally; but I have never received anything from him, nor is it my intention to require any remuneration for such services, which I rendered him out of pity; but I did mean to be paid for my goods, for which I have never yet received anything. I sent in my account for the articles which the said judge had broken as aforesaid, and for the liquor he had drunk during the voyage; but I have always been put off, and have not yet been paid. I know many other instances of drunkenness on the part of the said judge, but I consider them to relate to his private life. I remember, however, one instance among others, during the March term, in the year next after his arrival as judge in the said district of Gaspé; the said judge had just come from Paspebiac to attend the court. I was at the door of the court-house at New Carlisle; the judge took me aside and said, "Can you get me something? go and fetch it." I went accordingly and bought half a pint of rum, the judge having given me half a dollar. I went immediately into the judge's room, in the said court-house at New Carlisle, where I gave him the half pint of rum; he drank it nearly all up at one draught, and gave me the bottle back. I drank the rest, and the judge went into court and sat on the bench. I have frequently seen the judge shaking from head to foot in the morning, in consequence of the intoxicating liquors he had taken the day before. He was then obliged to take several glasses of strong liquor, after which he was able to write and begin to transact business. The quantity he requires for this purpose is from five to six glasses. I have not been in the habit of attending frequently at the sittings of the said court, so that I cannot enter into greater details than I have done. I have no hatred or animosity against the judge. He promised me himself last spring that he would pay me the sum of 5*l.*, which he considered as a compensation for what he owed me for the articles and services which I have more particularly mentioned in the course of my examination.

Tuesday, 26 January 1836.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

Noah Freer, Esq., Cashier of the Quebec Bank, called in; and, being Interrogated, answered:

ON the 8th of July 1834, Mr. P. Enright presented at the Quebec bank a check of Judge Thompson, in favour of Enright, for 140*l.* currency, bearing date Paspebiac the 18th June 1834, and payable on the 10th October following, which check the said Enright lodged in the bank for collection on his account, and the amount to be placed to his credit when due, provided there were sufficient funds at the credit of Judge Thompson to meet it. P. Enright returned to Quebec, and called at the bank on the 11th October 1834, to inquire after his check, when I explained to him that the warrants for the salary due to Judge Thompson not having been issued, I had not the means of paying the amount of the check, nor could I say when the warrants would be issued; but I had no doubt his demand would be eventually paid, as there was a considerable sum due to Judge Thompson for salary, and I held his power of attorney to receive it when the warrants were issued. Upon this P. Enright demanded the return of his check, which was given up to him, and he said he would have it protested by a notary for nonpayment, which he did, as will appear by the copy of the check and protest annexed, marked No. 1. Some days after this, about the 15th or 16th of November 1834, P. Enright returned to the bank, and again lodged with me for collection the original check for 140*l.*, and the protest for nonpayment, and stated to me that, upon the credit of the check in question, he had been negotiating the purchase of some articles of groceries with Messrs. James Gibb & Co., which he could get to take with him to Sherrington, provided I would give a conditional acceptance for the amount, about 35*l.* To this arrangement for the accommodation of Enright I consented, and gave a conditional acceptance to Messrs. James Gibb & Co. accordingly, and lodged in the bank a memorandum explanatory of the circumstance, a copy of which I annex, No. 2. In the autumn of last year, 1835, Dr. Racey called at the bank, and lodged P. Enright's receipt for 10*l.*, to be collected on his account, by deducting it from the amount coming to the said Enright, and of which receipt No. 3 annexed is a copy. The following statement will show the balance that

that will be due to P. Enright when I possess the means of bringing Judge Thompson's check to account :

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Check in favour of P. Enright	-	-	-	-	-	-	-	-	£.	s.	d.
									140	10	-
To be deducted,											
Acceptance in favour of Gibb & Co.	-	-	-	-	-	-	-	£. 35	10	-	
Check to Jno. Racey	-	-	-	-	-	-	-	3	-	-	
Receipt given to Dr. Racey	-	-	-	-	-	-	-	10	-	-	
									48	10	-
Balance coming to Enright	-	-	-	-	-	-	-	£.	92	-	-

Quebec, 26 January 1836.

Noah Freer.

Friday, 29 January 1836.

James Ferguson Winter, Esq., late Sheriff of the Inferior District of Gaspé, and heretofore residing at Paspebiac, in the County of Bonaventure, and now at Quebec, called in; and, being Interrogated, answered :

I RESIDED at Paspebiac aforesaid, from the beginning of May 1815 until the 4th November 1832, at which time I left it to come to Quebec to arrange my affairs, as sheriff of the said district and as a trader. I was engaged in trade before my appointment as sheriff, and during the time I was in office. I have known the Honourable John Gawler Thompson, as judge of the inferior district of Gaspé, since the month of June 1827, at which time he arrived at Paspebiac aforesaid, as successor to the late Honourable Alexis Caron, provincial judge of the inferior district of Gaspé, who died at Paspebiac in the winter of 1827. I went, as sheriff as aforesaid, to Carleton, to attend the term held there in July 1827. During the term, and while the court was sitting, I saw the judge drunk upon the bench several times, that is to say, two or three times; but during the whole of the said term the said judge, without being positively drunk, was in such a state, from the immoderate use of intoxicating liquors, as to be incapable of performing his judicial duties either in court or out of the court. Several times, during the said term, I saw the said judge in a state of intoxication before and after the sittings of the court. Towards the middle of the said term I was called upon to execute certain writs of *saisie arrêt simple* against John Cullen & Co., defendants; I only remember the name of one Charles Poirrier, plaintiff in one of the cases. Before my departure from Carleton I stopped at the house where the judge boarded, he having asked me to take charge of a letter for his lady; this was about the middle of the said term, about eight o'clock in the evening. I asked to see the said judge, who came out of his bed-room absolutely drunk. When he saw me he said, "Why, Mr. Sheriff, you are starting very early this morning!" I observed that it was eight o'clock in the evening; he replied, "I had forgotten the hour;" he then gave me the letter, and I withdrew. I was present at the term held at Percé in the month of August in the same year, and only reached that place on the evening of the first day of the term, in consequence of contrary winds, having taken the precaution of forwarding my returns by a duly authorized deputy, so as to have them there for the first day of the term. I went, some time before the opening of the sitting on the second day of the term, to the house of Edmund Flynn at Percé, where the said judge was boarding, and where the court was then held. I went to visit the judge before 10 o'clock in the morning, and I found him in a state of absolute drunkenness, saying that he was extremely sick, and proposing to leave the court and return to Paspebiac. The said judge was sick beyond all doubt, but it was in consequence of the immoderate use of intoxicating liquors; he drank Cognac in my presence by glasses full. On the following day, which was the third of the said term, the judge did in fact leave Percé, and return to Paspebiac, a distance of about 22 leagues by sea, the said judge having taken his passage on board the schooner "La Reine," of which Charles Poirrier then was and still is master. There was no sitting of the court on the second and third day of the said court, for the reason abovementioned, nor on any of the subsequent days, in consequence of the absence of the said judge. I was, in like manner, at Douglass Town in the month of August in the same year, during the term of the court at that place. During the whole of the said term the said judge was constantly drunk before, during and after the sittings of the court, on every day during the said term. During the Carleton term aforesaid there were a certain number of causes, and very little done. At the Percé term nothing at all was done, although there was a great deal of business before the court at the said term; and, finally, at the Douglass Town term several judgments were rendered by the judge while the court was sitting; for, at the said term at Douglass Town, the said judge sat almost every day, though he was in the state abovementioned. At the term at Douglass Town aforesaid, and at several sittings of the said court, I saw the said judge preside in the court in an extremely indecent state. The misconduct of the said judge, at the three terms aforesaid, caused losses and damages to His Majesty's subjects which I consider to have been considerable. At the term of the said court, held at New Carlisle in September of the same year, the said judge was almost constantly, not as drunk as during the three preceding terms, but in a state which rendered him, beyond all doubt, incapable of properly performing his judicial duties; I mean that the said judge was in that state during the sittings of the said court, in consequence of the immoderate use of intoxicating liquors. The reason of this difference was, that at the said terms at Carleton, Percé and Douglass Town, the said judge was

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alone, and that at the said term in September he had his lady with him, to prevent him from giving way so publicly to the immoderate use of intoxicating liquors. At the time of the said court held at New Carlisle, in March of the year 1828, I saw the said judge very often, almost every day, not in a state of absolute drunkenness, but in such a state as to be incapable of performing his judicial duties. I speak of the conduct of the said judge in court during the greater part of the sittings of the said court, at the said term held in March last mentioned. From the term held in March 1828 to the term held in September 1832, the conduct of the said judge on the bench, during the sittings of the court in the inferior district of Gaspé, was the same during the several terms of the said provincial court, held during the said space of time as that previously held by the said judge during the said March term of the year 1828. I except the July term at Carleton in the year 1832, when I was represented by a deputy, at which term the lady of the said judge did not accompany him. According to common fame, public report, and what my deputy told me, the said judge was drunk during the whole of the said July term, from the first day to the last; the said judge was even unable to sit during several days of the said term. On the 4th of November 1832, according to the orders of the civil secretary for the time being, I left the inferior district of Gaspé to come to Quebec, a journey which I performed partly by land and partly by sea; I have remained at Quebec from December of the same year until the present day. Since my departure from the said inferior district of Gaspé in the year aforesaid, the common report has been, that the intemperate conduct of the said judge has been, and is to the present day, the same as that which I have mentioned above. There were no cases of cholera in the district of Gaspé in the year 1832. The inconveniences which I have pointed out, as arising from the intemperate conduct of the said judge, are not the only ones to which the inhabitants of the district of Gaspé are exposed. It is to my knowledge that the said judge, during my residence in the district, was in the habit of going to the several places in which the courts are held in the said inferior district of Gaspé, so as almost always to arrive there the evening before the opening of the court, and of going away again immediately after the last sitting of the court, much to the prejudice of the interests of the inhabitants of the several localities in which the said courts are held, both with regard to the issuing of writs of *saisie* before judgment, and of writs of execution after judgment, inconveniences which it would always have been easy to avoid, if the said judge had always reached the said places a few days before, and left them a few days after the holding of the said courts. It is also to my knowledge that the said judge absented himself several times from the said district to go to Quebec, in the spring of almost every year during his residence in the district of Gaspé, whereby great damage has generally been occasioned to persons who were under the necessity of suing out writs of *saisie* before judgment. I can point out among others the case of William Carter, plaintiff, against Timothy Lefforgie, defendant. In this cause the plaintiff had obtained a writ of *saisie arrêt simple*, returnable before the provincial court of the inferior district of Gaspé. It was my duty to execute this writ in my quality of sheriff of the said inferior district. I went to execute the writ, but the defendant shut the door of his house, or caused it to be shut, and I could not consequently seize the goods and chattels of the said defendant. The judge had then left Paspébiac for Quebec; this was in the spring of the year 1828. I could not break open the doors of my own authority, and I applied to the attorney of the plaintiff, who could not give me a writ to authorize me to break open the defendant's door, on account of the judge's absence. On the 6th of May in the same year, the schooner, on board which the said judge was, came back to anchor again at Paspébiac, in consequence of contrary winds. The plaintiff's attorney then went on board the schooner in which the judge was, to obtain the writ to authorize me to force the door of the defendant's house. A second writ to take the body of the defendant had been placed in my hands by the said attorney; but the second writ could not be executed any more than the first, the defendant having then carried away or disposed of his moveables, and having even left the district of Gaspé. The plaintiff got off by losing his recourse and paying the costs. With regard to the inconvenience which has arisen from the precipitate departure of the judge after the circuit courts, I will state the following facts: Robert Ferguson, of the province of New Brunswick, came to Carleton in the year 1828, for the purpose of suing out of said provincial court a writ of *saisie arrêt simple* against Robert Pitt, Samuel M'Kay and James M'Kay, and a writ of *saisie arrêt en mains tierces* in the hands of Andrew Deans and Hugh Aitken, merchants in partnership at Ristigouche, in the inferior district of Gaspé, for a sum (as far as I can recollect) of 600*l.* or 700*l.*, the action being returnable before the Court of King's Bench for the district of Quebec. Edouard Thibaudeau, esq., advocate and attorney, applied to the said judge on the last day of the term at Carleton, in the year 1828, on the day of the last sitting of the court, to get the said Robert Ferguson sworn, and to obtain from the said judge his fiat for a writ of *saisie arrêt*. It was between nine and ten in the morning when the said Robert Ferguson went to find the said judge to get sworn. The said judge was on the point of starting, and refused to swear the said Robert Ferguson, alleging that he, the said judge, had no authority to issue writs like this. He promised to delay his departure. We went to fetch the statutes, and on our return the said judge was already under sail. We called and made signs to him to come back to land: he was then at a little distance from the shore, and could not help seeing and knowing us, nevertheless he continued his voyage and left us there. The said Robert Ferguson was then obliged to follow the said judge to Paspébiac, where he employed the ministry of Joseph F. Deblois, esq., advocate, to obtain the *fiats* for the writs above mentioned, (Edouard Thibaudeau, esq., being then gone to attend the court at Percé). The said Robert Ferguson at last obtained the said writs, but the defendants had left the district of Gaspé, carrying with them their goods and effects, and the Garnishees.

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had exported the timber belonging to the defendants, which had been in their possession. The said Robert Ferguson ended by losing his debt, and paying the costs incurred. The distance from the residence of the said Robert Ferguson to Paspebiac is about 30 leagues. There is another case which I shall now cite:—Germain Dionne, now deceased, in his lifetime residing in the neighbourhood of the place called “Little Gaspé,” came to Douglass Town in the month of August, in the year 1828, for the purpose of obtaining a writ of *saisie revendication* against certain timber to him belonging, and then in the possession of William Pickford. This was also on the last day of the term of the said court at Douglass Town aforesaid. The said judge refused to stop an instant, telling the said Germain Dionne to follow him to Percé, where he would grant him the writ. The said judge immediately left Douglass Town for Percé. Germain Dionne followed him the same night, and when he got to Percé the said judge had left it again for Paspebiac. The said Germain Dionne then went home, for the purpose of preparing for the voyage to Paspebiac. The distance from Percé to Dionne’s residence is about 10 leagues, so that the said plaintiff travelled 20 leagues to obtain nothing, while his property was all the while in jeopardy, because the said judge would not give the said Dionne half an hour’s delay. The said Germain Dionne having determined to make the voyage to Paspebiac, went there in November of the same year, but could not obtain the writ of *revendication* from the said judge, until four or five days after his arrival at Paspebiac. He then left Paspebiac to go home, carrying with him the documents necessary to seize his property in *revendication*. He had with him the original writ and the copy thereof, together with the declarations, and also the warrant authorizing Samuel Ray to execute the said writ. Germain Dionne and a man in his employ, who was with him in his boat, were unhappily lost in a storm opposite Grande Riviere, in the county of Gaspé, while they were on their way home. I have never since seen the papers which had been delivered to him. Dionne’s representatives lost their recourse against William Pickford, who left the inferior district of Gaspé in the fall of the same year for Europe: he is since dead, as far as I can learn. From the house where the said Dionne lived to Paspebiac, the distance is about 32 leagues by sea. Great inconvenience also arises in the dispatch of business, from the said judge’s living at Paspebiac, a distance of about five miles from the town of New Carlisle, where the court-house and prothonotary’s office of the said provincial court are situate. In cases of *saisie arrêt* or *capias ad respondendum*, or other writs, the debtors have time, before the creditor can obtain the fiat of the judge, to make away with their property, or to get into the province of New Brunswick by crossing the Bay of Chaleurs. It is only with great difficulty that a creditor can succeed in obtaining such writs. He must, in the first place, go to the said judge to take the oath required by law, in order to obtain the judge’s fiat for the writ, he then goes to the prothonotary’s office and obtains his writ; he has then to return to the house of the said judge to get his signature to the said writ, and then comes back to New Carlisle to place it in the hands of the sheriff of the district aforesaid; so that a creditor who has perhaps come 10, 15 or 20 leagues to his attorney at New Carlisle, is under the necessity of travelling 20 miles further in order to obtain his writ. If this happens in the spring or in the fall, when the roads are bad, it takes him a considerable time thus to obtain his just legal right. During the time that I was sheriff of the said inferior district, I encountered great difficulties with regard to the business which I had to transact with the said judge in chambers (as, for instance, the taxing of my bills, and other matters), in consequence of the negligence of the said judge, who attends very rarely at chambers, and who, when he comes there, remains only a few minutes, and comes very frequently before or after the hour he has appointed in a previous interview. The attorneys and other officers of the said court have, to my knowledge, had the same trouble, whereby all the parties suffer detriment. It is also to my personal knowledge as having been sheriff of the said district, that the said judge, in consequence of his drunkenness during the vacations between the terms of the said provincial court, from the year 1827 to the 4th of November 1832, was, in an infinity of cases, an absolute obstacle to the despatch of business, and that great damage was sustained by the public in consequence. The said judge has for many years occupied the house of one Jacques Lamy at Paspebiac aforesaid, which was built expressly for the said judge. It is a large and handsome house, and cost from 800*l.* to 900*l.*; but if the dependencies and appurtenances be taken into account, it has cost at least 1,200*l.* The whole is let to the judge at the rate of 60*l.* a year. But the said Jacques Lamy is bound to furnish the said judge in agricultural produce, land and work to the value of at least 50*l.* a year, so that the said judge is lodged for the very moderate sum of 10*l.* a year. The said Jacques Lamy has doubtless lost much by this bargain, and the said judge has been a considerable gainer, and, in my opinion, this is one reason why the said judge lives so far from New Carlisle. From the residence of the said judge to the court-house at New Carlisle, the distance is about five miles. The said judge might procure a commodious house near the court-house, at a moderate rent, if he wished to do so. I believe that if the said Jacques Lamy loses money on the rent of the said house, he gains considerably by the judgments which are given in his favour in the said provincial court, in causes to which he is a party, or in which at least he is one of the parties interested. What I say on this head is from common report; but the several advocates and attorneys of the said court could, I think, establish these facts of partiality and injustice on the part of the said judge. It is also to my knowledge that there are many transactions and a commercial interest between the said judge and the said Jacques Lamy, tending to the profit of the latter. I know these facts from the conversations I have had with the said Jacques Lamy, but I do not remember what the particular kind of business or speculation was.

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The petition of Duncan Hay, the Act of Notoriety, and the Act of Curatelle being exhibited to the witness, he answered as follows: This is a case which I call illegal, vexatious and unjust, to the knowledge of the said judge. The case was this: Duncan Hay, trader and tavern-keeper, formerly of New Carlisle, and now of Caraquet, in the province of New Brunswick, presented a petition to the said judge on behalf of my creditors, for the purpose of getting a curator appointed to me, alleging that I had been absent from the province since the 1st September 1833, and falsely stating that my then place of residence was unknown; the said Duncan Hay concluded by praying that a curator should be appointed to me, because I was an absentee. The said petition is signed by the said Duncan Hay, the petitioner. I recognize the signature to be really his; and the said petition is in the handwriting of John Robinson Hamilton, esq., advocate, the nephew of the said judge. It will be seen by the order indorsed on the said petition, dated at Paspebiac, the 18th February 1835, signed by the said judge in his judicial capacity, that my friends were summoned to appear before the said judge at the court-house at New Carlisle, on Tuesday the 19th of February then instant, and now past, at 11 o'clock in the forenoon, for the purpose of naming a curator to me. In support of the said petition there is a certain document, intitled an Act of Notoriety. This document appears to be a certified copy of a similar original act passed by Robert Caldwell, justice of the peace at New Carlisle aforesaid. By this copy so certified, I find that the pretended Act of Notoriety was passed by Robert Caldwell, justice and witness, on the 18th February in the year 1835, and that it appears by it, that Daniel Marrett, carpenter, and his father John Marrett, labourer, both of New Carlisle aforesaid, stated and detailed, 1st, that they were acquainted with me; and, 2dly, that I had left the inferior district of Gaspé, about 18 months before the passing of that Act, and that I had subsequently left the province of Lower Canada. The said John Marrett and Daniel Marrett who did not fear to make assertions so false, are persons who have a great spite against me. The witness, François Langlois, is one of the servants and fishermen of the commercial house of Robin & Company at Paspebiac, which has for nearly 20 years unceasingly persecuted me, and sought to do me harm. By the Act of Curatelle, made and executed at the prothonotary's office of the said provincial court of the inferior district of Gaspé, on the 19th of February in the year 1835, I see that Robert Sherar, esq., coroner of the inferior district of Gaspé, was legally elected curator to James Ferguson Winter, an absentee, sheriff of the said inferior district of Gaspé, who is the same person with myself, the deponent. On running over the names of my pretended friends who have signed the Act of Curatelle above mentioned, I remark the names of John Hardeley, agent of the said commercial house of Charles Robin & Company; John Day, one of the intimate friends of the said house; Thomas D. Munro, who is devoted to the said house, all well disposed to do me harm whenever they could find an opportunity; Daniel Marrett, who is the same of whom I have spoken above; John McClellan, the gaoler at New Carlisle, one of my calumniators when I was sheriff of the said district, and who is under the influence of the said judge; John Robinson Hamilton, esq., advocate, who is the nephew of the said judge, and has on several occasions testified publicly his hatred and resentment against me; R. William Fitton, student at law, clerk to the said John Robinson Hamilton, who, moreover, gives himself out to be a physician and surgeon, and practises as such in the said inferior district, under the auspices of the said judge; and finally Robert Sherar, my present curator, who entertains an implacable and avowed hatred for me in consequence of some lawsuits I had with him some years ago. All that I have said with regard to the persons called to make the said election is true; and all is within my personal knowledge, except what regards R. William Fitton, which I have learned from individuals of whose veracity I have not the least doubt. The signatures to the Act of Curatelle above mentioned, viz. John McClellan, John Hardeley, John Day, Daniel Marrett, Thomas B. Munro, John R. Hamilton, and Robert Sherar, are the real signatures of those individuals, and the signature John G. Thompson, provincial judge, at the foot of the said Act of Curatelle, is the real signature of the said judge. It is to the knowledge of the said judge, as it is to mine, that all the said individuals are his friends, and that they are my enemies; I except R. William Fitton, whom I do not know, and who I believe scarcely knows me. For the information of the committee I must state that I have creditors, but they reside within the city of Quebec; I have none but debtors in the inferior district of Gaspé, with the exception of some individuals. A short time after the election of the said Robert Sherar, as curator to the absentee James Ferguson Winter, who is myself, the said Robert Sherar went to my house at Paspebiac, where speaking to John Whitton, junior, he called upon him to deliver up to him all my account books, and threatened him with the judge's authority in case of refusal, alleging that he was then invested with the right to collect debts due to me, and to regulate my affairs, and that for this purpose he was going to employ John Robinson Hamilton, esquire, the nephew of the said judge. My agent refused this demand. The said Robert Sherar and John Robinson Hamilton returned several times to the charge, sometimes employing promises and sometimes threats; but my agent remained firm, and the matter dropped there. I learned these last facts from the said John Whitton, junior, himself, who related them to me last fall, when he was at Quebec. I have never been absent from Quebec since I left the inferior district of Gaspé, and in proof of this I now file seven affidavits of divers individuals. The said judge could not and cannot be ignorant that I have a place of residence at Paspebiac, two miles from his own house: this is a fact of public notoriety. My intimate conviction is, that if my agent had allowed himself to be frightened or corrupted by the said Robert Sherar and John Robinson Hamilton, esq., advocate, the consequence would have been that all my debtors, the greater part of whom are insolvent, would have

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been sued, and that the few good debts which it may be possible for me to recover, by giving long delay, would have been consumed in costs, to the profit of the said John Robinson Hamilton, esq., advocate, while the loss on my part would have been total. I calculate that this speculation, for it was nothing else, would have been worth some hundreds of pounds to the said John Robinson Hamilton, esq., advocate, in fees, costs and disbursements; and would have certainly led to the ruin of a number of inhabitants of the inferior district of Gaspé, where money is very scarce. I have very considerable claims against a number of individuals in the said inferior district of Gaspé, having entered into large speculations there as a trader; unluckily for me these speculations have turned out badly. The said John Robinson Hamilton, esq., advocate, the nephew of the said judge, practised as an advocate in the said inferior district of Gaspé, in the year 1830, and, having been elected a member of Parliament, he left off practising in the provincial court: this is to my personal knowledge. In the month of August, of the year 1834, he again came to settle in the said inferior district of Gaspé, for the purpose of there following his profession as an advocate and attorney in the said provincial court. He now resides at New Carlisle, in the county of Bonaventure, in the district aforesaid. I know these last facts from a number of persons, who have informed me of them.

Tuesday, 2 February 1836.

Joseph François Deblois, Esq., a Member of the Committee, being Interrogated,
answered :

I HAVE known the Honourable John Gawler Thompson, as judge of the inferior district of Gaspé, ever since his arrival at Paspebiac aforesaid, in the spring of the year 1827, at which time the said judge arrived at Paspebiac aforesaid, as successor to the Honourable Alexis Caron, provincial judge of the district aforesaid, who died in the winter of the year 1827. I went to the inferior district of Gaspé towards the end of August, in the year 1826, to practise in the said provincial court in my capacity of advocate and attorney. I have resided there ever since, with the exception of two intervals, when my duties as representative of the county of Bonaventure called me to Quebec. The common belief and public report is, that the said Honourable John Gawler Thompson is addicted to the immoderate use of intoxicating liquors to the present day. This opinion is but too true; for, from the arrival of the said judge at Paspebiac aforesaid, in the year before mentioned, until I left New Carlisle aforesaid, in October last, to come to Quebec, the conduct of the said judge was, to my personal knowledge, that of a drunkard. At the Carleton term, in the month of July 1827, I frequently saw the said judge drunk on the bench while the court was sitting; and I am able to say, that at those sittings of the court at which I cannot affirm that he was drunk, the said judge was certainly incapable of performing his judicial duties at such sittings, in consequence of the effect of intoxicating liquors. At the Percé term, in August of the said year, the said judge came there some days previously, for the purpose of holding the said court. He remained there in a constant state of drunkenness until the first day of the term of the said court. About an hour before the opening of the sitting of the court on the first day of the said term, I went to the said judge on business, in hopes of finding him sober, but I found him drunk. The first sitting of the court was opened about 10 o'clock in the morning, and the said judge was drunk upon the bench. Some causes were called on, and the sitting was closed after it had lasted about 15 minutes. On the second day of the said term, the judge being still drunk, the sitting of the court was opened, and (as far as I can recollect) closed again immediately without anything being done. On the third day there was no sitting of the court, in consequence of the drunken state of the said judge, who left the court the same afternoon to return to Paspebiac, which is about 22 leagues distant from Percé by sea. At Douglass Town term, in the same year, said judge was almost constantly drunk before, during and after the sittings of the said court, at the said term. I except three or four sittings at which the said judge, though not drunk while the court was sitting, was beyond all doubt incapable of deciding on the merits or demerits of the causes which came from time to time before the said court, and this in consequence of the immoderate use of intoxicating liquors. During the said year 1827, at the terms of the court above-mentioned, there were (that is, at the Carleton term) a certain number of actions in which some judgments were given. At the said term at Percé there was a great deal of business, and nothing was done. At the term at Douglass Town there was likewise a great deal of business, and a certain number of judgments were rendered. Almost the whole of these causes were *ex parte*. I was only employed in a few causes which were continued till next year. I except a few causes at the inferior term of the said year. The said judge had gone the circuit alone. In September of the same year, at the superior and inferior terms of the said court held at New Carlisle, the intemperance of the said judge was not manifested in so public a manner. I saw him, however, several times drunk while the court was sitting at the said terms; and a number of times in such a state as to make me doubt whether he was capable of administering justice to the parties. I ought to state that I saw him sober several times during the said terms, both inferior and superior, held at New Carlisle; but he was then unable even to sign his name, and was obliged to retire for some moments during the sittings of the said court, into a little room which is called the judge's, where he made use of a small bottle of spirituous liquor which he brought with him. I myself saw him drunk once or twice during the said time, but I several times saw the little bottle empty after the sitting, the said judge having probably forgotten to take it away with him. There was much business at the terms of the court last mentioned. The inhabitants of the inferior district of Gaspé doubtless sustained much injury in consequence of the drunkenness

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of the said judge in the year 1827. At the term of the said court held at New Carlisle in March 1828, I likewise saw the said judge several times drunk on the bench while the court was sitting. On a great many occasions I remarked that the said judge, without being drunk, was nevertheless under the influence of spirituous liquors, which made me very much doubt whether he was capable of acquitting himself of his judicial duties. I also saw him sober during the said term, but very rarely, and frequently shaking from head to foot, and almost unable while in that state to sign his name. At several of the sittings at the said term I saw the judge have something in his great coat pocket, very much like a common bottle in shape. I did not see him drink during the said term in March 1828 in the room at the court-house; but my duty having called me into the said room after the sittings of the court, I frequently remarked a smell of rum which prevailed in the said room, and made me always believe that the said judge did, during the said March term, make use of intoxicating liquors almost on the very bench. At the July term at Carleton, in the year 1828, I saw the said judge on the bench, while the court was sitting, frequently under the influence of intoxicating liquors, without being absolutely drunk; but I still think that he was, at certain of the said sittings, incapable of doing justice fairly to the suitors of the court. From the said term at Carleton in the year 1828, to the March term in the year 1832 inclusively, the conduct of the said judge on the bench, in the said inferior district of Gaspé, was very nearly the same at the several terms of the said provincial court held during that time, and that which he had held at the July term of the year 1828. I saw him, however, drunk on the bench while the court was sitting during that period, but not often. I attribute the difference in the conduct of the said judge at the circuit courts during the said space of time to his having been accompanied and watched over by a person whom the most sacred ties have attached to him, and who must have used her ascendancy over him for his good, as to my knowledge she has done: I speak of the lady of the said judge. At the July term at Carleton in 1832, the said judge travelling alone that year, was almost constantly drunk before, during and after the sittings of the said court, during the whole of the said term at Carleton in the year 1832. I except two or three sittings of the said court, during which the said judge, without being positively drunk, was unfit to attend to his business in consequence of his immoderate use of intoxicating liquors. There were a great many causes before the court, and I was myself concerned in many; a portion of these causes could not be decided in consequence of the judge's drunkenness, to the great detriment of the parties interested. I think that conduct of this kind is calculated to create distrust and to inspire contempt for the administration of justice. From the year 1832, until I left the district of Gaspé to come to Quebec last fall, I had occasion to meet the Honourable John Gawler Thompson during the holding of the several terms of the said court in the inferior district of Gaspé, as well as during the vacations, and without being able to say that I often saw him in a state of drunkenness, although during the said time I saw him several times drunk on the bench, I can say, that I saw him frequently, while the court was sitting, in a state very closely bordering on drunkenness. I have likewise seen him during that time, both in court and at chambers, under the influence of strong liquors, and in such a state as to induce me to believe that he was not in a state to decide on the business which I had to bring before him. This conviction has frequently led me to put off till another day business which the said judge might have completed at once if I had thought it prudent to submit it to him in the state in which I then found him. I mean to speak of business to be done in court, as well as that at chambers during the vacations. I frequently during the said time, and at different intervals, saw the said judge in such a state as to be almost unable to sign his name in consequence of his intemperance. I must except the term at Carleton in July of the year 1831, where the conduct of the said judge, during the sittings of the court, out of court and at chambers, was distinguished by frequent traits of drunkenness. When I speak of the common report, I mean to say that the common report has been, since the spring of the year 1827, and is up to the present day, that the said judge is a drunkard. I ought to state that I was not at the terms at Percé and Douglass Town in the year 1834, so that the matters to which I have deposed, and which form part of my deposition, and which are within my personal knowledge, are not applicable to the said terms last above-mentioned: but common report, and the conversations I have had since with respectable inhabitants of the said two last-mentioned places, lead me to believe that the conduct of the judge at the Percé and Douglass Town terms in the year 1834, was similar to that which I have amply described above. I can safely state that the intemperance of the said judge is one of the principal causes why the inhabitants of the said inferior district have ceased to have any confidence in the said judge of the said provincial court. The dangers and inconveniences which I have pointed out as arising from the conduct of the said judge are not the only ones to which the inhabitants of the said inferior district are exposed. It is to my knowledge that the said judge is in the habit of going to the several places in which the courts of law are held in the said inferior district, so as almost always to arrive there on the evening before the opening of the court, and to go away again immediately after the last sitting, much to the prejudice of the interests of the inhabitants of the several localities in which the said courts are held, and also to the interest of the inhabitants of the district in general, as relates to the issuing of writs of summons, of writs of *saisie* before judgment, and of writs of execution after judgment. These inconveniences are very serious when we consider the duration of the terms of the said court at the circuits, which is only 10 days, both for suits under 10 *l.* currency and those for a larger sum, under 100 *l.* currency. Very considerable delay, and frequently heavy costs, result from this practice. This deplorable state of things might be remedied if the said judge would go to the several places some days before, and not leave until some days after, the terms of the said courts. I shall cite some cases:—

cases :—Robert Ferguson, esq., of the province of New Brunswick, employed Edouard Thibaudeau, esq., advocate, at the Carleton term, in the year 1828, to sue out of the said provincial court a writ of *saisie arrêt simple* against Robert Pitt, Samuel McKay and James McKay, and also a writ of *saisie arrêt en mains tierces* in the hands of Andrew Dean and Hugh Aitken, merchants in partnership at Ristigouche, in the district of Gaspé, for the sum of between 600*l.* and 700*l.*; as far as I can recollect the sum much exceeded 600*l.* The action was to be returnable before the Court of King's Bench for the district of Quebec. It was on the last day of the sitting of the term at Carleton last mentioned. The said judge refused his fiat, and thus prevented the issuing of the said writs. He was then on the point of starting, and replied that he had no power to cause writs like that to be issued; he then left the place for Paspébiac. I know these facts, firstly, from the statements made to me by the said Robert Ferguson and by the judge himself; and secondly, because I was of counsel in the case. I advised the said Robert Ferguson to follow the said judge to Paspébiac, where he would certainly obtain what he wanted. I obtained the fiat at Paspébiac aforesaid, after I had convinced the judge that he was in error, and the writs of *saisie* were consequently issued. Edouard Thibaudeau, esq., advocate, had then set off for Percé. The said writs were delivered to James Ferguson Winter, esq., then sheriff of the said inferior district. It was too late, however, for the defendants had left the said inferior district in a small vessel laden with their merchandize and effects, and I do not know what became of them; and the timber which had been in the hands of the garnishees in the cause was already shipped, or within the province of New Brunswick. Robert Ferguson told me repeatedly that he left off by paying the costs and losing his debt. From the residence of the said Robert Ferguson to Paspébiac, the distance is about 30 leagues. There is another case among others, which I shall cite. Germain Dionne, now deceased, in his lifetime of the neighbourhood of the place called Little Gaspé, came to Douglas Town in the month of August 1828, to obtain a writ of *saisie revendication*, to seize certain timber to him belonging, and then in the possession of one William Pickford. This also was on the last day of the said court, at the said term at Douglas Town. The said judge refused to wait an instant, telling the said Germain Dionne, in my presence, to follow him to Percé, where he would grant him the writ. I represented to the said judge, that the said Germain Dionne ran the risk of losing his recourse, because the said William Pickford was very shortly to leave the province of Lower Canada for Europe; and that the said Germain Dionne would be subject to great expense and loss of time by making the said journey, as he was then engaged in trading along the coast. The said judge would not listen to me, and immediately left Douglas Town for Percé. Germain Dionne followed him in the night to Percé, according to the advice I gave him; but when he reached Percé the said judge had left it for Paspébiac. The said Germain Dionne again returned to Douglas Town, where he found me at the house where I boarded, and when I learnt that he had made the journey to no purpose, I advised him to go home and get ready for the voyage to Paspébiac as quick as he could, for he told me at the time that he would rather lose his timber than lose his debts along the shore, by not collecting the fish which was due to him. He added, that he was going to use all possible speed, in order, if possible, to avoid either of the said losses. He then started for his own residence. I, myself, left Douglas Town the following morning, to go home. Germain Dionne came to my residence at New Carlisle in the beginning of November in the same year; it was in the night. I immediately drew up his affidavit, and delivered it to him, urging him to go the next morning early to get the fiat from the judge. He found it impossible to see the judge the whole of the next day; the answers he received were, that he could not see the judge that day. I then gave the said Germain Dionne the original and copy of the declaration in the said cause, and encouraged him to go back to the said judge, to whom I wrote a letter, by which I informed him of the nature of the action, and the claims of the plaintiff; I also represented to him the necessity there was that the writs above mentioned should be issued without delay. The said Germain Dionne left my letter and all the papers at the house of the said judge, but could not see him on this second day. He came to me a third time (and this was on the third day), and repeated what he had before told me. He begged of me to come to Paspébiac, which I did. I went to the judge's house, and made it my first object to ascertain whether he was at home, not knowing what to think of this delay. I then asked to speak to him, stating that I had urgent business with him. I was then asked to come in, and a few moments afterwards, the said judge appeared. I apologized as far as I could, and represented to him that the said Germain Dionne was exposed to the loss of his just rights, because the said William Pickford was ready to put to sea on the departure of the said Germain Dionne; that the said Germain Dionne ran the risk of not being able to go to Quebec, to dispose of his fish, because the season of the navigation was very far advanced; that the said Germain Dionne had likewise incurred great expense in leaving home to come to Paspébiac in a boat at a season of the year when it was beyond doubt very dangerous to take such long voyages along the coast, and that he was anxious to take advantage of the fine weather which had prevailed for some days past, to return home; that his claim did not exceed the jurisdiction of the said provincial court (I believe the sum in question was 200*l.*, as far as I can recollect); and I added, that I was going to read the affidavit and the declaration of the said Germain Dionne, and that he (the said judge) would be convinced that the affair was one of mere ordinary occurrence. I read the said documents, and the judge immediately granted the fiat, after having sworn the said Germain Dionne, telling me that if he had known what the business was, he would have granted the fiat long before; and on my remarking that I had written him a letter, which he must have received, he acknowledged that he had received it, as well as the affidavit and declarations of the said Germain

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Dionne, the plaintiff in the said cause. I ought to state in this place, that the state in which I found the judge was not a state of drunkenness, but that he was still under the influence of intoxicating liquors, in consequence of the excesses of the preceding days: this was evident. The said Germain Dionne could not get away before the day after this interview, because he could not before that time obtain the writ from the other officers. He at length appeared, bringing with him the necessary documents for revindicating his rights. The said Germain Dionne and a man in his employ perished on the night following their departure from Paspébiac, in a storm which arose suddenly. The boat and the body of Germain Dionne were found opposite the Grand Rivière, about 16 leagues from Paspébiac; the body of Dionne's man was never found, to my knowledge. The defendant (Pickford) went away to Europe on board his vessel in the fall of the same year. The latter is also since deceased, as far as I can learn. I have not since heard anything of the writs and declarations in the said cause, of which the said Dionne was the bearer. The distance from the house of the said late Germain Dionne to Paspébiac is about 32 leagues. It is also to my knowledge that the said judge has frequently absented himself from the said inferior district for the purpose of going to Quebec at the opening of the navigation in the spring, much to the detriment of the persons who may have had occasion to sue out writs of *saisie* before judgment. I may cite the case of William Carter, plaintiff, against Timothy Lefforgie, defendant, No. 375. This action was brought in the provincial court on the 19th of April 1828, and was returnable at Carleton on Tuesday, the 1st day of July in the same year. The action was for the sum of 29*l.* 17*s.* 5½*d.* The writ was issued on the 3d of May in the same year. The plaintiff had commenced his action by process of attachment (*saisie arrêt simple*); James Ferguson Winter, then sheriff of the said inferior district, was unable to execute the said writ of attachment, the defendant having forcibly resisted the execution of the same: this was on the 5th of May in the year aforesaid, according to the return made by the said sheriff. The judge started that day from Paspébiac for Quebec. On the 6th of May of the same year, the schooner in which the judge had embarked returned to the anchorage at Paspébiac, in consequence of contrary winds. It was on this day that the judge granted his fiat to take the body of the said Timothy Lefforgie, saying that he had no authority to cause the doors of the defendant's house to be broken open, in order to execute the said writ of *saisie arrêt*. I went myself on board of the schooner in which the judge was, in order to obtain authority to break open the door of the house, but to no purpose. The *capias*, which I never would sign as attorney for the plaintiff, was never executed, nor was the writ of *saisie arrêt*. The service of the declaration, with the process of attachment, was effected nevertheless through a pane of glass in a window in the defendant's house, speaking to a person shut up in the house. The defendant, by means of these delays, carried off or disposed of his effects, and left the district of Gaspé. The plaintiff was obliged to pay the costs, besides losing the amount of his demand; for although judgment was rendered in favour of the plaintiff, it was impossible for him to put it into execution, in consequence of the absence of the defendant from the province of Lower Canada. The costs amounted to a large sum, judging only by the amount of the sheriff's bill of costs, which was taxed by the said judge at 16*l.* 16*s.* 3*d.* There arises also a great deal of inconvenience with regard to the despatch of business, by reason of the residence of the said judge at Paspébiac, a distance of about five miles from the town of New Carlisle, where the court-house and the office of the said provincial court are situated. In cases of *capias ad respondendum* or of *saisie arrêt simple*, or other writs of attachment before judgment, before the creditor can obtain the fiat of the judge, debtors have time either to secure their effects or to escape to the province of New Brunswick, by crossing the bay of Chaleurs, which is easily accomplished between the spring and fall. It is nevertheless only with considerable difficulty that a creditor can succeed in obtaining a fiat for an attachment before judgment: he is obliged, in the first place, to go to the judge's house to take the oath required by law, to obtain the fiat of the judge for the issuing of the writ; he next goes to the prothonotary's office to procure the writ; he is then obliged to return to the judge to procure his signature to the writ, and afterwards to return to New Carlisle, to place it in the hands of the sheriff of the said district; so that a creditor, after travelling, perhaps, a distance of 10, 15, and 20 leagues to get to his attorney at New Carlisle, is obliged afterwards to travel 20 miles more to obtain his writ. The attornies also meet with a great deal of difficulty in the business which they have to transact at chambers, as, for instance, in taxing bills, suing out writs of execution, in the appointment of tutors, in the proof of marriages, probate of wills, and other business which is generally done at chambers before the said judge. These difficulties are occasioned as well by the negligence as by the intemperance of the said judge, who very seldom attends at chambers, and who, when he does attend, only remains there a few minutes. He often goes there before or after the hour appointed by himself at a preceding interview. I have frequently been obliged to remain from 10 o'clock in the morning until three in the afternoon, when the judge would send me a note, informing me that he would come on some future day, and this when the day and hour had been fixed by the judge himself. I have also often seen the said judge walking about in the town of New Carlisle, paying visits to his intimate friends, such as the Reverend Mr. Doolittle, minister of the church of England, Duncan Hay, merchant and tavern-keeper (during the time he resided at New Carlisle), and others of his friends in the said town, and then return to Paspébiac, without coming near the court-house, when he must have been aware that the attornies and advocates were waiting for him on business, since he had himself chosen the day and appointed the hour. The consequence of all this delay has been and still is, that the issuing of writs and the dispatch of other business has been suspended, and that, in order

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order to proceed to business, I have been obliged very often to repair to the residence of the judge at Paspébiac, and other gentlemen of the profession have found themselves in the same predicament. The judge has occupied for several years past a house belonging to Jacques Lamy, which was built for the said judge. It is a large and handsome house, which cost from 800*l.* to 900*l.*, independently of the out-houses and of the additions thereto, which must have cost a considerable sum. The whole is leased to the judge at the rate of 60 *l.* per annum; but the said Jacques Lamy is obliged to furnish the judge agricultural produce and work to the amount of at least 50 *l.*; so that the said judge really pays only the moderate sum of 10 *l.* per annum for his lodging. In several conversations which I have had with the said Jacques Lamy (for I know the man very well), he has often told me that the said house might be called Jacques Lamy's Folly, inasmuch as the rent was insufficient to pay the cost of the minor repairs; but he gave me as a reason, that the said judge was a good customer of his, in consequence of the goods, articles and agricultural produce which he bought from him (Lamy); "besides," added he, "it is a good thing to have the judge for your friend." Private interest is, in my opinion, the sole cause of the said judge's residing at such a distance from New Carlisle, because it would be easy for him to procure a suitable dwelling-house in the neighbourhood of New Carlisle, and even within the town, provided he were willing to pay a reasonable price. It is five miles from the residence of the said judge to New Carlisle. The petition signed Duncan Hay, and the copy of the act of notoriety signed Robert Caldwell, justice of the peace, together with the act of curatorship signed John Gawler Thompson, certifying the election of Robert Sherar, esq., coroner of the said inferior district, as curator to the pretended absentee, James Ferguson Winter, esq., heretofore sheriff of the said district, being shown to the witness, he answered as follows:—"Duncan Hay, heretofore trader at New Carlisle, in the county of Bonaventure, in the inferior district of Gaspé, now residing, as I believe, at Caraquet in the province of New Brunswick, presented a petition to the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé, praying that a curator might be appointed in due form of law to James Ferguson Winter, esq., late sheriff of the district of Gaspé, alleging that his creditors were prevented from recovering their just rights, inasmuch as the residence of the said James Ferguson Winter was unknown." This petition is without date, and is in the handwriting of John Robinson Hamilton, esq., advocate, the nephew of the said judge. By the order of the said John Gawler Thompson, judge of the inferior district of Gaspé (dated at Paspébiac, the 18th February 1835), on the back of the said petition, it will be seen that the same was submitted to his Honor on the said day. This is accompanied by a pretended act of notoriety, entirely in the handwriting of R. William Fitton, made and passed at New Carlisle aforesaid, the 18th of February 1835, before Robert Caldwell, esq., justice of the peace for the district of Gaspé, and a witness; by which act it would appear that John Marrett and Daniel Marrett merely said and declared, that the said James Ferguson Winter had been absent from the inferior district of Gaspé for about 18 months, and that since that time he had absented him from the province of Lower Canada. The committee is now in possession of these two documents. It appears that in conformity with the order of the said judge, at a meeting of the friends of the said James Ferguson Winter, held at the office of Amasa Bebee, esq., prothonotary of the provincial court of the inferior district of Gaspé, the 19th of day February last, Robert Sherar, esq., coroner of the said inferior district, was elected, in due course of law, curator to the absentee James Ferguson Winter, esq., as appears by the act of *curatelle* homologated on the day aforesaid by the said judge. From the conversations which from time to time I have had with the said judge, it is clear that the said judge then knew that the said James Ferguson Winter was staying at Quebec, and he could not but be aware that he had his domicile at Paspébiac, for this was publicly notorious. In the September term of the provincial court of Gaspé in the year 1834, the said judge informed me that he intended associating as prothonotary of the said provincial court the said James Ferguson Winter, observing at the same time, that this individual had suffered much in consequence of his removal from the office of sheriff for the inferior district. He asked my opinion and spoke of him in terms which might have induced me to suppose that he pitied him, had I not been aware of the hatred which the said judge entertained for the said James Ferguson Winter; he concluded by intimating his desire to see him return to Paspébiac, his place of residence; having first asked me how he could get his living at Quebec. (These were his expressions.) I replied that I was ignorant of what the said James Ferguson Winter was doing at Quebec, and with respect to the nomination of this individual as joint prothonotary of the provincial court I had no opinion to offer; that the matter did not concern or interest me. I bowed to the said judge and retired, not knowing what to think of this conversation. I repeat that I do not recollect the date when this conversation took place; it was one morning before the court sat, at the beginning of the above-named term. Upon reflection, I attributed his singular observations to secret motives, and as the effects of intoxicating liquors in which the judge had immoderately indulged the evening before. From various remarks and observations made use of by the said judge, before and after the removal of the said James Ferguson Winter, I must say that I am convinced of the hatred entertained by the said judge against that individual. Having heard at Quebec, last winter, that a curator had been appointed to the said James Ferguson Winter, I made some inquiries with respect to this matter after my arrival at New Carlisle aforesaid. I arrived there about the middle of July, at the house of Robert Caldwell, esq., justice of the peace, as aforesaid, and he informed me that he was not aware of the particulars of this affair, which I thought strange. He acknowledged that John Robinson Hamilton, esq., advocate, had sent for him one evening, and that he had in consequence gone to the house of the said Duncan Hay, who was present, and also Daniel Marrett, John Marrett, John Robinson Hamilton, esq., advocate, R.

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William Fitton, and several other individuals, who took some glasses of liquor together; after which, John Robinson Hamilton, esq., advocate, offered him a paper which he signed, as did also the two Marretts, father and son; that he thought it was to prove that James Ferguson Winter, esq., had left the province. He added that this paper remained in the possession of the said John Robinson Hamilton, esq., and that he, the said Robert Caldwell, had not since seen the document. François Langlois is one of the servants and fishermen to Messrs. Charles Robin & Co. Robert Fitton is an individual who calls himself surgeon, who practises medicine (by what right I know not) in the county of Bonaventure, and who is clerk to John Robinson Hamilton, esq., advocate. This latter has for his bailiff, joiner and confidant, Daniel Marrett. John Marrett, who is the father of the latter, is an old man of very weak intellect, and, from what I have heard, easily influenced. The friends assembled in order to name a curator to Mr. James Ferguson Winter, the pretended absentee, were John McClellan, keeper of the common gaol at New Carlisle, John Robinson Hamilton, esq., advocate, his clerk, R. William Fitton, John Robinson Hamilton's two bailiffs, namely, John Day and Daniel Marrett, Thomas Munro, brother-in-law to R. William Fitton, Robert Sherar, esq., coroner aforesaid, and John Hardeley, agent to Messrs. Charles Robin & Co., fish-merchants, at Paspébiac. John Robinson Hamilton and Robert Sherar, esqrs., and John Hardeley are the declared enemies of the said James Ferguson Winter, and are publicly known as such. The other individuals are more or less under the influence of the said John Robinson Hamilton, Robert Sherar and John Hardeley. Daniel Marrett calls himself one of the creditors of the said James Ferguson Winter, and the commercial house of Charles Robin & Co. pretend also to have heavy claims against him. I know that the two latter facts were within the knowledge of the said judge, because he spoke to me on the subject long before the new election; and on these occasions he seemed to pity the said individuals, and to blame the obstinacy of the said James Ferguson Winter. I cannot imagine that the said judge could be ignorant of the feeling of hatred entertained by the individuals whom I have above mentioned, or of the undue influence which they exercised at the said election over the minds of the others whom I have above referred to, and who were summoned to give their advice at the said election; the said John Robinson Hamilton, esq., advocate, Robert Sherar and John Hardeley being on a footing of intimacy with the said judge. The signature, Duncan Hay, is the signature and handwriting of the said Duncan Hay. I have been informed by John Whittom, junior, the agent for James Ferguson Winter, esq., at Paspébiac, that some time after the said nomination, the said Robert Sherar went to the house of the said James Ferguson Winter, demanding from the said John Whittom, junior, the account books of the pretended absentee, James Ferguson Winter, saying that he was going to collect his debts, and that to effect this object, he purposed retaining as advocate and attorney the said John Robinson Hamilton, esq., advocate; that upon the refusal of the said agent to comply with the demand, he menaced him with the authority of the said judge; that subsequently the said Robert Sherar and John Robinson Hamilton, esq., advocate, at times reiterated their menaces, and at other times held out inducements to the said John Whittom, junior, who, however, continued firm in his determination, and that the matter stopped there, at least this was the case up to October last, when I left the inferior district of Gaspé. The said James Ferguson Winter was a merchant, who to my knowledge carried on trade in the inferior district to a considerable extent, and who has been unfortunate in his speculations. Considerable sums are due to him by many inhabitants of the said district, and from my own knowledge of the means and resources of the inhabitants of the said district generally, I believe many of his debtors to be in a state of insolvency, although there may be some without doubt able to pay. I can say with truth that if it were necessary to prosecute all his debtors without distinction, the collection of the good debts would be barely sufficient to defray the costs of prosecution. The said John Robinson Hamilton, esq., advocate, practised in his professional capacity in the said provincial court in the months of August and September of the year 1830. I believe that he came also in the year 1831 to practise as an advocate. The said John Robinson Hamilton, esq., advocate, came again in the year 1834 to practise in the said provincial court in the August term of that year, and took up his residence at New Carlisle, where he resided until I left the said inferior district of Gaspé, which was in the month of October last.

In the year 1827, about the beginning of October, I went to the residence of the judge on business; he then occupied for the time being, the house of James Sherar, esq. The said judge observed that one Pierre Aubin had called upon him to obtain a *capias ad respondendum* against Pierre Duval, esq., a merchant of the island of Bonaventure, within the inferior district of Gaspé. The sum which the said Pierre Aubin claimed from the said Pierre Duval exceeded 100*l.* currency. I do not recollect the precise sum, but at all events it exceeded the jurisdiction of the provincial court of Gaspé. The said judge then told me, that not having the right to issue the writ, he had refused the demand of the said Pierre Aubin; he concluded by asking me what I thought of the matter. I replied that I thought he had a right to issue the said writ, and that if I had the statutes I thought I could establish the position. He requested me to show him my notes upon this point, which I did on the following day. Some days afterwards the said judge observed to me that I was correct; "but," he added, "what can I do? the man has gone to Quebec." The said Pierre Aubin did in reality go there with the view, as he himself told me the following summer, of instituting his action in the Court of King's Bench for the district of Quebec. I believe the attorney he employed was Charles Panet, esq., advocate. I do not recollect any other particular touching this subject. In the cause of David Smith and Adam Brotherton, plaintiffs, against Rufus Chamberlin, defendant, under the No. 810, the said John Robinson Hamilton, esq., advocate, took out a *capias ad respondendum* against the body of the said Rufus Chamberlin, for the sum of 15*l.* currency. The *capias* issued upon the affidavit of

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the said John R. Hamilton, assuming the quality of legal attorney for the plaintiff, as appears by the affidavit in possession of this committee. The *capias* is dated the 6th July 1831, and was returnable in the provincial court of the inferior district of Gaspé, at New Carlisle, the 21st of September of the same year. I believe that by virtue of the said *capias*, the defendant was arrested on the same day. The following day this cause was called on; this was at the July term of the year 1831, at Carleton. I was not in court during the sitting of that day, but I know that the first default was entered against the defendant. Three days afterwards the cause was again called on, and the judge ordered the second default to be entered. I then rose and respectfully informed the court that I was retained to defend the action; that, without appearing on the part of the defendant, I ought to tell the court that I was the defendant's attorney. I then exhibited the copy of the said *capias*, which has since remained in my possession, and which I now file. I prayed the court to consider that I could neither appear nor plead in this cause, there being no return before the court; that the defendant had been unable to procure the declaration of the plaintiff, who had neglected to file it at the office of the sheriff of the said inferior district; and that even in that case the defendant would not have been bound to appear. The said judge then regarded me with a menacing air, and, without saying a word, ordered the entry of the defaults, which had been made by the prothonotary on a fly-sheet, to be struck out. This cause was never returned into the said provincial court, and the matter dropped there. The plaintiffs were the friends of the said judge. The defendant was far from enjoying the same advantage. It appears that on the 8th September 1830, the said John Robinson Hamilton drew up a certain act, which he was pleased to call an inventory of the moveables and immoveables of the succession and community of Jean Louis Laurent, of Paspébiac, deceased, the widow of this person having entered into a second marriage with one François Langlois, at the time of the drawing up of the said inventory. I shall abstain from commenting upon this document; to read it is sufficient to convince any one of its illegality. This document appears to have been formally closed (*clos en justice*) on the 11th September 1830, by the Honourable John Gawler Thompson, judge of the provincial court of the inferior district of Gaspé. The pretended inventory is in the handwriting of the said John Robinson Hamilton, and the signature J. R. Hamilton, at the foot thereof, is his signature, written carelessly. This document is in possession of the committee. I see also a certain petition of the said John Robinson Hamilton, signed Hamilton, attorney for the petitioners, addressed to the said Judge Thompson, praying the enregistration of the said inventory; this again is the signature of the said J. R. Hamilton, esq. At the foot of the said petition is a singular order made by the said judge. It is sufficient to read the said petition, order and inventory, to form an accurate opinion of the whole, and of the legal knowledge of the said judge on these matters. I know Patrick Enright, formerly of L'Ance du Cap, in the county of Gaspé, in the inferior district of Gaspé, now of the township of Sherrington, in the county of L'Acadie, in the district of Montreal, who was heard before this committee on the 4th of January of the present year. At the beginning of September last the said Patrick Enright came to me to interest me in his behalf; this was two days previous to his arrest. He then related to me the substance of what he has deposed before this committee. I told him, that since J. R. Hamilton, esq., appeared willing to pay him what the Honourable Judge Thompson owed him, he would do well to lose no time in receiving the money; but, I added, that I thought he would return as he came. I observed to him that I was about to send to Jacques Lamy, and would endeavour to bring the business to a close: I intended to make an offer to the said Jacques Lamy. This latter person came to my house that same day when I had this conversation with the said Patrick Enright. I found Jacques Lamy indisposed to interfere in this affair; what he stated to me was in substance as follows:—"When Enright received the check from the said judge, I counted out to the judge the sum of 140*l.* in money: I consented to pay this sum to the said judge, who gave his check for a similar sum to the said Patrick Enright; by this arrangement I gained 30*l.*: Patrick Enright consented thereto; it was his business. I have my four notes which I gave to James Schannon for his land at Hope Town, which I bought; Patrick Enright handed them to me. I do not wish to hear anything more about Patrick Enright; if he has made a bad bargain, let him settle with Judge Thompson." He added, "I know what I am about; I have good advice." We parted without further explanation. Patrick Enright being confined on the 7th or 8th of September last, in the common gaol of New Carlisle, sent for me immediately. Having arrived there, I took communication of the copy of the writ of *capias ad respondendum*, and of the declaration in the cause, which he then had in his possession. The title of the cause is, Peter Duval and others, plaintiffs, against Patrick Enright, defendant, and is under the No. 177. The amount demanded was 13*l.* currency. The said Patrick Enright was thus arrested on the affidavit of John Robinson Hamilton, esq., advocate, who publicly assumed the quality of attorney *ad negotia*, of the plaintiffs in this cause, as appears by the copy of the writ of *capias ad respondendum*, and by the endorsement; the whole being certified by Martin Sheppard, esq., sheriff of the inferior district of Gaspé. I never saw the affidavit in this cause made by the said John R. Hamilton, esq., advocate, although I demanded it for the purpose of taking communication thereof, before and during the progress of the said cause; and I even asked for a copy thereof after judgment therein rendered. The prothonotaries of the said provincial court have always told me, as the reason why they could not give me the said affidavit, that it was in the possession of J. R. Hamilton, esq. The said Patrick Enright was thus detained within the common gaol of New Carlisle for the causes above mentioned, until the day of the return of the said *capias*, to wit, the 14th day of September of the same year, when he was admitted to put in special bail, the court then sitting. I then made motion that the said writ of *capias ad respondendum*

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respondendum be declared null and void, upon the ground that it having issued as in the reign of his late Majesty George the Fourth, and not in the reign of his present Majesty William the Fourth, the defendant, Patrick Enright, ought to be set at liberty. The plaintiffs' action was dismissed with costs, reserving their future remedy. This judgment was thus rendered in September last at New Carlisle, in the said provincial court. On the 6th of October last, I presented to the said judge my bill of costs in the said cause, amounting to the sum of 7*l.* 14*s.* 10*d.* currency, against the plaintiffs, and to that of 3*l.* 13*s.* 6*d.* currency, against the defendant. I lay the said bill before the committee, in order that a copy thereof may be taken, desiring that the original may be thereafter returned to me. The day upon which the said bill was taxed, I observed to Amasa Bebee and John Wilkie, esquires, prothonotaries of the said provincial court, that it appeared to me very singular that they had made so great a mistake in issuing the said writ, and that they might find themselves involved in some difficulty. Whereupon Amasa Bebec, esq., addressing himself to John Wilkie, esq., told him in substance: "There you see, Mr. Wilkie, the consequence of doing things out of the office, at Mr. Hamilton's house." The said Wilkie replied, "that that was true; but that to oblige Mr. Hamilton, he had consented to do it." Mr. Wilkie acknowledged to me that Mr. John Robinson Hamilton's affidavit was drawn up at his own house, as well as the said writ. I have known the said Patrick Enright since the month of August 1827; he is an honest man, but very far from being a man of business: he has always told me that the said judge gave him a bill of exchange, or draft for 140*l.* currency, but I see by the copy of the protest, executed and served by Archibald Campbell, public notary, that this document is not such as the said Patrick Enright no doubt thought he had, inasmuch as it is a mere order from the said judge to pay to Patrick Enright, or bearer, the sum of 140*l.* currency (without the words "value received" forming part of the same), and addressed to the cashier of the Quebec Bank. This order to pay, or direction under private signature, to pay the said sum, is dated Paspébiac, 18 June 1834, and is numbered 25. What is stated in that portion of the deposition of the said Patrick Enright, as having occurred between his arrest and his liberation, is in substance the same as what he often repeated to me when I was in the said inferior district. Conformably to the calculations made by Noah Freer, esq., cashier of the Quebec Bank, examined before this committee, it would appear that the said judge owes, at this moment, to the said Patrick Enright, a balance of 92*l.* currency, for and in consideration of the order of the said judge for the sum above mentioned. On the very day of the arrest of the said Patrick Enright, I met at New Carlisle, at the door of the boarding-house where Mr. Edouard Thibaudeau lives, Martin Sheppard, esq., sheriff of the district of Gaspé, and John Wilkie, esq., prothonotary of the provincial court above mentioned; they were going to their boarding-house; it was about mid-day. As they were laughing much together, I asked them jokingly whether they had received good news? The said sheriff made no reply; but the said John Wilkie told me that the sheriff had made one of the most clever hits possible; that he had arrested in the gaoler's room the said Patrick Enright, in virtue of a *capias ad respondendum*. They began again to laugh; but I observed to them that I doubted its being a clever proceeding, because I believed the arrest to be illegal; they left me, and I went home. When there, I received information that the prisoner, Patrick Enright, desired to see me. I then went to the New Carlisle gaol, as above stated. On the return day of the said *capias*, some time previous to the sitting of the court, the said sheriff earnestly urged me to allow him to amend the writ; but I peremptorily refused. I had forgotten to mention that I saw the said judge, during the terms of the provincial court, held at Carleton in July last, at Percé, and at Douglas Town in the month of August last, frequently under the influence of intoxicating liquors, and on one occasion, at the said term at Douglas Town last mentioned, I saw the said judge in a state closely bordering on drunkenness, if not actually drunk, and that upon the bench while the court was sitting. During the term of the said court, held in September last at New Carlisle, I can say that I saw the said judge under the influence of spirituous liquors several times during the sitting of the court, but he was not drunk. At one of the sittings of the said court, in September 1834, the said judge fortunately arose and retired into his chambers; I followed him on urgent business, and found him with tears in his eyes. He told me: "I have a violent ear-ache and pains in my stomach, which make me suffer much; I am going away," which he actually did. I must say that, from the knowledge I possessed of the judge, if he was not drunk, he was not far from it. He has made the same excuses to me over and over again, under circumstances when I could have no doubt that he was in a state of drunkenness. Edouard Thibaudeau, esq., advocate, one of the witnesses who has appeared before this committee, did not regularly attend the different terms of the said court held in the year 1835, in the inferior district of Gaspé. The distance from Carleton to the residence of the said judge at Paspébiac, is about 18 leagues; there is a good internal communication, and a post line. I ought to add that the major part of the inhabitants of the said inferior district have no confidence in the decisions of the said judge. The matters of fact which I have above stated are true.

APPENDIX.

1. Petition of Joseph François Deblois, esq.
2. Declaration of a *demande* in an action *capias ad respondendum*, P. Duval, *et al.* plaintiffs, *vs.* P. Enright, defendant, No. 177.
3. Notification and bill of particulars in cause No. 177.
4. Account of the heirs of Peter John Duval agt. Patrick Enright.
5. Protest of a check for 140 *l.* Patrick Enright *vs.* Judge Thompson.
6. Memorandum by the cashier of the Quebec Bank.
7. Patrick Enright's receipt to Doctor Racey for 10 *l.*
8. Declaration of a *demande* in an action of *assumpsit* or *arrêt simple*, William Carter, plaintiff, *vs.* Timothy Lefforgie, defendant, No. 375.
9. Procès verbal No. 3 in cause No. 375.
10. Judgment in cause No. 375.
11. Memorandum of sheriff's costs, charges and disbursements in cause No. 375.
12. Petition of Duncan Hay, one of the creditors of James Ferguson Winter, and Act of Notoriety.
13. Act of curatorship of Robert Sherar, esq., to the absence of James Ferguson Winter.
14. Affidavits of William Marsden, Germain Laprise, George Wright, the Widow of Edward Green, François Pelletier, Duncan McKeachney, and James Ferguson Winter.
15. Affidavit to hold to bail, of John Robinson Hamilton, in cause No. 810. David Smith and Adam Brotherton, plaintiffs, *vs.* Rufus Chamberlin, defendant.
16. Capias against Rufus Chamberlin.
17. Petition of François Langlois and Euphrosine Dugué, joint tutors to the minor children of the late Jean Louis Laurent.
18. Inventory of the moveable and immoveable property of the succession of the late Jean Louis Laurent.

(No. 1.)

Petition of Joseph François Deblois, Esq.

To the Honourable the Knights, Citizens and Burgesses of the Province of Lower Canada, in Provincial Parliament assembled.

THE humble petition of Joseph François Deblois, esq., advocate, and one of the members of the House of Assembly of the Province of Lower Canada, residing at New Carlisle, in the county of Bonaventure, in the inferior district of Gaspé, in the province aforesaid,

Respectfully sheweth,

That your petitioner, who was born at Quebec, the capital of this province, in which it is his intention to pass the remainder of his days, claims as a native of this country all the rights, and acknowledges himself bound by all the obligations of a British subject, and demands, as a member of your Honourable House, all the rights and privileges attached to his quality of representative of the people.

That in both these capacities your petitioner, placing his trust in the laws, and in that justice which he prays, and which he hopes to obtain, not for himself alone, but for the interests and welfare of the whole body of the inhabitants of the inferior district of Gaspé, stands forward without passion and with the most perfect confidence, to call the attention of your Honourable House to the malversations of a public functionary too high in rank to be amenable to the ordinary tribunals of the country.

That your petitioner cannot conceal from himself the danger he incurs in thus publicly accusing a man high in rank, the persecutions to which he must expose himself, the obstacles he must contend with, and the numberless difficulties created by distance, which he must surmount.

That your petitioner, after having maturely weighed all these considerations, moved solely by a feeling of justice and of duty, yields to an imperious sense of what he owes to society, in the firm conviction that men will be found who will fearlessly and impartially declare the truth; and therefore respectfully submits to your Honourable House, that the Honourable John Gawler Thompson, judge of His Majesty's provincial court for the inferior district of Gaspé, is incompetent to fill that high office.

That the said Honourable John Gawler Thompson, being such judge as aforesaid, has been guilty of high crimes and misdemeanors. 1st. Because of his natural imbecility and his deficiency of intelligence, character and sagacity; of the want of propriety and dignity in his conduct, and of his aversion to, and general incapacity for, performing his important functions. 2dly. By reason of his neglect and ignorance of, and of his contempt for, the laws of the country; because he is partial, capricious, arbitrary and vindictive, making his power as a judge subservient to the gratification of his passions, and the instrument of his vengeance. 3dly. Because he has unlawfully refused his ministry as a judge, and has impeded and stopped the course of justice, by granting to those whose interests he wishes to advance, an unjust degree of protection, and by threatening many of His Majesty's subjects with his resentment. 4thly. Because

Correspondence
respecting
Mr. Thompson.

under colour of his authority as a judge, he has unduly influenced, threatened, oppressed and tyrannized over divers officers of the said provincial court, and has unlawfully sat as chairman at divers general sessions of the peace, held at different times and under various circumstances, in the said inferior district; and more especially in one case where he had previously been called upon as judge to interpose his judicial authority in favour of the accused; because he inconsiderately, unnecessarily and unlawfully sat and acted as a justice of the peace, in one case among others where he was afterwards bound as judge to set at liberty one of His Majesty's faithful subjects whom he had himself committed to gaol in his quality of justice of the peace; and because he has also exercised a dangerous control over the rights and liberties of all His Majesty's subjects at the said general sessions of the peace for the district of Gaspé. 5thly. Because he has frequently absented himself from the district of Gaspé on his private business, and has taken up his residence at Paspébiac (a place distant nearly five miles from the court-house), where he continues to reside, to the great prejudice of His Majesty's faithful subjects in the inferior district of Gaspé. 6thly. Because, by reason of his intemperance, it has happened on several occasions that the said provincial court has not been held during the terms by law appointed, or has been held only during a part thereof, in violation of the law of the land and of the Bill of Rights. 7thly. Because the said judge did at the last election league himself with the declared enemies of the liberties of the people, who did violence to public opinion, and every species of corruption; and who afterwards, in their avowed hatred to the free exercise of the elective franchise on the part of the inhabitants of the said county of Bonaventure, instituted a number of actions before the provincial court of the said inferior district, in which the said judge was subsequently called upon to give judicial decisions. 8thly. Because the said judge has wilfully exceeded his jurisdiction, and has, both on the bench and in his chambers, substituted his mere will and pleasure for the law of the land. 9thly. Because his conduct, actions, opinions, connexions and intrigues generally, are such that His Majesty's subjects in the said inferior district have lost all confidence in the said provincial court, and that the state of things thereby brought about is such as to tend to alienate the affection of His Majesty's subjects aforesaid from his person and his government, as established in this province.

That your petitioner, His Majesty's faithful subjects in the inferior district of Gaspé, and society in general, are interested in the conviction of the said Honourable John Gawler Thompson, judge of His Majesty's provincial court for the said inferior district of Gaspé, if he is guilty; and that your petitioner is ready to prove the charges he has made, at such time and place as your Honourable House may be pleased to appoint.

Your petitioner therefore earnestly prays that your Honourable House will take into its most serious consideration the grave charges brought in this petition, and that after having heard the witnesses and examined the records (to be produced by the proper officers) in support of the charges aforesaid, you will adopt such other and further proceedings as in your love of justice and anxious desire to maintain the rights of His Majesty's subjects in this province, you shall deem right and consistent with the tenor of the Constitutional Act, and the powers, privileges and usages of Parliament, for the purpose of obtaining the removal of the said honourable judge from office.

And your petitioner shall ever pray, &c. &c.

Quebec, 8 November 1835.

(signed) J. F. Deblois.

(No. 2.)

DECLARATION of a *Demande* in an action *Capius ad Respondendum*, P. Duval *et al.* Plaintiffs, vs. P. Enright, Defendant. No. 177.

Province of Lower Canada, Inferior District of Gaspé.

(No. 177.)

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To the Sheriff of our Inferior District of Gaspé, greeting :

L. S. (Signed) Jno. G. Thompson, J.P. C.	}	WE command you, that you take Patrick Enright, of Paspébiac, in the county of Bonaventure in the inferior district of Gaspé, farmer, if he may be found in your district, and him safely keep, so that you may have his body before us in our provincial court for our inferior district of Gaspé, in our court-house of New Carlisle, in our said inferior district, on Monday the 14th day of September instant, to answer Peter Duval, of Bonaventure Island, in the county and district of Gaspé, and Amice Duval, of the island of Jersey, in that part of the United Kingdom of Great Britain and Ireland called England; they the said Peter Duval and Amice Duval being merchants, and heretofore copartners, carrying on trade and commerce at Bonaventure Island aforesaid, under the name, style and firm of Peter Duval and Company, of the <i>demande</i> contained in the declaration, to be filed pursuant to the requirements of the statute in such case made and provided, and further to do and receive what in
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our .

our said court before us, in this behalf shall be considered, and have you then and there this writ.

Witness the Honourable John Gawler Thompson, our judge for our said inferior district of Gaspé, at New Carlisle, the 7th day of September 1835, in the fifth year of our reign.

(signed) *Bebee & Wilkie*, P. P. C.

(A true copy.) *M. Sheppard*, Sheriff.

Jno. R. Hamilton, Atty. for Pltff.
Prov. Stat. 7 Geo. cap. 8.

Province of Lower Canada, Inferior District of Gaspé,

In the Provincial Court.—*P. Duval et al.* Plaintiffs, vs. *P. Enright*, Defendant.

To the Honourable the Justice of His Majesty's Provincial Court for the Inferior District of Gaspé.

Peter Duval, of Bonaventure Island, in the county and district of Gaspé, and Amice Duval, of the island of Jersey, in that part of the United Kingdom of Great Britain and Ireland called England, they the said Peter Duval and Amice Duval, being merchants and heretofore co-partners carrying on trade and commerce at Bonaventure Island aforesaid, under the name, style and firm of Peter Duval and Company, complaining of Patrick Enright, of Paspébiac, in the county of Bonaventure, in the district of Gaspé, farmer, by this their declaration do humbly represent, that the said defendant heretofore, to wit, on the 1st day of September, in the year of our Lord 1835, at Bonaventure Island aforesaid, was indebted to the said plaintiffs in the sum of 13*l.* lawful current money of this province of Lower Canada, for divers goods, wares and merchandizes, by the said plaintiffs before that time sold and delivered to the said defendant, at his special instance and request, and also in so much money as divers other goods, wares and merchandizes, before that time also sold and delivered by the said plaintiffs to the said defendant, at his like special instance and request, were reasonably worth at the time of the sale and delivery thereof, and which were in fact then reasonably worth, at Bonaventure Island aforesaid, another sum of 13*l.* of like lawful current money, whereof the said defendant afterwards, to wit, on the day and year aforesaid, at Bonaventure aforesaid, there had notice.

And also in the further sum of 13*l.* of like lawful current money, for work and labour, by the said plaintiffs before that time done and performed, and divers materials and other necessary things by the said plaintiffs found and provided, used and applied in and about the same for the said defendant, at his special instance and request.

And also in the further sum of 13*l.* of like lawful current money, for money due and payable from the said defendant to the said plaintiffs for interest upon and for the forbearance of divers large sums of money due and payable from the said defendant to the said plaintiffs, and by the said plaintiffs forborne for divers long spaces of time then elapsed, at the special instance and request of the said defendant.

And also in the further sum of 13*l.* of like lawful current money, for money lent and advanced to, and paid, laid out and expended for the said defendant, at his special instance and request, by the said plaintiffs.

And also in the further sum of 13*l.* of like lawful current money, for other money by the said defendant before that time had and received to and for the use of the said plaintiffs, and upon an account stated and settled between them, and being so indebted, he the said defendant, in consideration thereof, afterwards, to wit, on the same day and year aforesaid, at Bonaventure Island aforesaid, undertook, and to the said plaintiffs then and there faithfully promised to pay them the said sums of money, when he the said defendant should be thereunto afterwards requested.

Yet the said defendant, not regarding his said promise and undertaking, hath not yet paid the several sums of money, or any of them, or any part thereof, to the said plaintiffs (although often thereunto requested), but hath hitherto wholly refused, and still doth refuse to do; to the damage of the said plaintiffs of 13*l.* of like lawful money.

And the said plaintiffs do further avow, that the said defendant is immediately about to leave the province of Lower Canada, whereby the said plaintiffs, without the benefit of a *capias ad respondendum* or attachment against the body of the said defendant, may be deprived of their remedy against the said defendant and sustain damage.

All which allegations the said plaintiffs do hereby aver to be true and well-founded in fact and in law, and the same will verify, prove and maintain when and as this honourable court shall direct.

Wherefore the said plaintiffs pray the process of this honourable court, to wit, a writ of *capias ad respondendum* or attachment against the body of the said defendant, and that the same issue to arrest the body of the said defendant, that he may be and appear personally in this honourable court, at New Carlisle, on Monday the 14th day of September instant, to answer unto the said plaintiffs of the *demande* contained in this declaration, and that for the causes aforesaid, by the judgment of this honourable court, the said attachment be rendered good and valid, and that the said defendant may be then and there adjudged and condemned to pay and satisfy to the said plaintiffs the said sum of 13*l.* lawful current money aforesaid, with legal interest and costs of suit.

Dated the 7th day of September 1835.

Jno. R. Hamilton,
Pltff's Atty.

Correspondence
respecting
Mr. Thompson.

Correspondence
respecting
Mr. Thompson.

No. 3.

NOTIFICATION and BILL of PARTICULARS in Cause No 177.

Province of Lower Canada, Inferior District of Gaspé.

In the Provincial Court.—Peter Duval *et al.* Plaintiffs, *vs.* Patrick Enright, Defendant.

No. 177.

Sir,

Take notice that I shall make application to the Honourable John Gawler Thompson, judge of the provincial court for the inferior district of Gaspé, on Saturday the 3d day of the present month of October, at the court-house of New Carlisle at 10 o'clock in the morning, to tax the annexed bill of costs against the plaintiffs *es qualités* in this cause according to the course and practice of this court.

New Carlisle, 2 Oct. 1835.

J. F. Deblois,

Atty. for D ft.

To J. R. Hamilton, esq., Attorney for Plaintiff.

Province of Lower Canada, Inferior District of Gaspé.

In the Provincial Court, 4th Class, 4th Case.

No. 177.

Peter Duval *et al.* Plaintiffs, *vs.* Patrick Enright, Defendant.

£. s. d.		£. s. d.	£. s. d.
1 15 -	Defendant's attorney - - - - -	2 6 8	
- 16 8	Fees on the rule of 15th September to quash		
- - 6	<i>capias ad respondendum</i> - - - - -	1 15 -	
- 11 8	Copy of rule - - - - -	- - 6	
- 6 8	Fee on rule to stay proceedings of 15th Sept. - - - - -	- 16 8	
- 3 -	Copy of rule - - - - -	- - 6	
3 13 6	Drawing up special bail bond - - - - -	- 6 8	
	Copy of judgment - - - - -	- 2 -	
	Bill and Taxation - - - - -	- 12 6	
Plaintiffs.			6 - 6
10 s.	Prothonotary's fee - - - - -	- 10 -	
	Fee on rule of 15th September to quash		
	<i>capias ad respondendum</i> - - - - -	- 11 8	
	Fee on rule to stay proceedings - - - - -	- 6 8	
	Rule to quash <i>capias ad respondendum</i> - - - - -	- 1 -	
	Fee to stay proceedings - - - - -	- 1 -	
			1 10 4
	Bailiff Smollett, service of rule of 15th September to quash <i>capias ad respondendum</i> - - - - -	- 2 -	
	Ditto of rule to stay proceedings - - - - -	- 2 -	
			- 4 -
		£.	7 14 10
			3 13 6
			4 1 4
	To be paid by Plaintiffs - - -		- 10 -
		£.	3 11 4

Taxed at 3 *l.* 11 *s.* 4 *d.* currency, against plaintiffs, and 3 *l.* 13 *s.* 6 *d.* currency, against client.

6th October 1835.

Jno. G. Thompson.

I do hereby certify that I have served a true copy of the within bill of costs on John R. Hamilton, esq., attorney for plaintiff, at his domicile, New Carlisle, on the 2d day of October 1835, about the hour of one in the afternoon.

Service and return, 2 *s.*

Robert Smollett, Bailiff.

No. 4.

ACCOUNT of the Heirs of Peter John Duval against Patrick Enright.

Mr. Patrick Enright,		To the heirs of Peter John Duval.	
1830.			£. s. d.
October 11	-	To balance due as agreed - - - - -	2 - 6
1831.			
July 23	-	5 yds. striped cambric, 3 s. 4 d., 3 yds. flushing, 10 d.	- 19 2
		8 yds. plaid, 2 s., 1½ yd. green baize, 4 s., 3 yds. ribbon, 4 d.	1 3 -
		½ yd. serge, 2 s. 6 d., 6 lb. chalk, 4 d., 1 bl. flour, 45 s.	2 8 3
		5 yds. sheeting, 4 s., 1 chamber-pot, 2 s. 6 d.	1 2 6
August 29	-	1 pr. shoes, 11 s. Sept. 8th. 2 yds. bombazet, 1 s. 6 d.	- 14 -
September 8	-	Pasteboard, 6 d., twist, 6 d., ½ yd. cotton, 6 d., 1 bl. flour, 45 s.	2 6 6
		1 remnant bombazet, 1 s., 1 bl. flour, 45 s.	2 6 -
— 9	-	1 tin pan, 3 s. 6 d., 1 augur, 3 s. 4 d., 1 lb. tobacco, 2 s.	- 8 10
October 15	-	1 pr. blk. hose, 4 s., 4½ yds. plaid, 2 s.	- 13 -
		Cr.	14 1 9
1831.			
July 9	-	By Mr. P. Day's account - - - - - £. 1 - -	
— 23	-	By 2 yds. plaid, at 3 s. - - - - - - - 6 -	
October 31	-	By 1 qtl. mble fish - - - - - - - 14 -	
		By 1½ qtl. 14 lbs. W. India fish, at 10 s. - - 16 3	
		By 98 lbs. broken ditto - - - - - - - 5 3	
			3 1 6
		Balance due - - - £.	11 - 3

Errors and omissions excepted.

Bonaventure Island, Sept. 26th 1835.

For the heirs of Peter Duval,

Peter Duval, Tutor.

No. 5.

PROTEST of a Cheque for 140 l. Patrick Enright vs. Judge Thompson.

Quebec Bank,

No. 25.

£. 140 - -

Paspébiac, 18 June 1834.

Pay to Patrick Enright or bearer, on the 10th of October next, 140 l. currency.

To the Cashier.

(signed) Jno. G. Thompson.

(endorsed) P. Enright.

Province of Lower Canada, District of Quebec.

On this day, the 11th of October, in the year of our Lord 1834, at the request of Mr. Patrick Enright, of the township of Sherrington, in the district of Montreal, farmer, the bearer and holder of the original draft, whereof the foregoing is a true and exact copy, we the undersigned notaries public, duly commissioned and sworn in and for the province of Lower Canada, and residing in the city of Quebec, went to the office of the Quebec Bank, where is made payable the said original cheque or draft, and then and there, personally speaking to the cashier of the Quebec Bank, we produced and exhibited unto him the said original draft, and demanded payment thereof, whereunto he made answer, "That there are no funds of Judge Thompson in the bank; the warrants have not been issued."

Therefore, we the said notaries, at the request aforesaid, have protested, and by these presents we do most solemnly protest against the drawer of the said draft, and all others whom the same shall or may in any wise concern, for all costs, losses, damages and interests, suffered and to be suffered for and by reason of the nonpayment of the said draft.

Correspondence
respecting
Mr. Thompson.

Thus done and protested at the city of Quebec aforesaid, on the day, month and year first above written, having left an exact copy of these presents with the said cashier, speaking as aforesaid, in order that he plead not ignorance of the premises.

In testimonium veritatis.

(signed) *Pre. Jos. David*, Not. Pub.
Arch. Campbell, Not. Pub.

(A true copy.) *Archibald Campbell*, Not. Pub.

No. 6.

MEMORANDUM by the Cashier of the Quebec Bank.

Copy of memorandum.

Upon the receipt of Judge Thompson's salary, and there being sufficient funds at his credit for the purpose, the amount of the within cheque for 140*l.* and 10*s.* notarial expenses, to be charged to the judge's account in the bank, and placed to the credit of Patrick Enright, of Sherrington (seigniory of St. James, near Montreal), out of which 140*l.* 10*s.* is to be paid my conditional acceptance of P. Enright's draft in favour of Messrs. James Gibb & Co. for 35*l.* odd shillings, and also Enright's cheque or draft for 3*l.* in favour of John Racey, esq., being money advanced by him to Enright; and Enright to be informed by letter from me of the balance for which he may be allowed to draw.

Quebec Bank, 16 Oct. 1834.

Noah Freer, Cashier.

No. 7.

PATRICK ENRIGHT's Receipt to Doctor *Racey* for 10*l.*

Copy of receipt.

£. 10.

Montreal, August 6, 1835.

Received from Doctor Racey the sum of 10*l.* currency, on account of cheque or note held by the Bank of Quebec, signed J. G. Thompson, in favour of me.

(signed) *P. Enright*.
(endorsed) *John Racey*, M. D.

No. 8.

DECLARATION of a *Demande* in an action of *Assumpsit* or *Arrêt Simple*, William Carter, Plaintiff, *vs.* Timothy Lefforgie, Defendant, No. 375.

Province of Lower Canada, Inferior District of Gaspé.

(No. 375.)

George the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.

To the Sheriff of our Inferior District of Gaspé, greeting:—

(L. S.)
Jno. G. Thompson,
Judge Dist. Gaspé.

We command you that you take Timothy Lefforgie, of a certain place called Cox Township, in the inferior district of Gaspé, in the province of Lower Canada, yeoman, if he may be found in your district, and him safely keep, so that you may have his body before us in our provincial court for our inferior district of Gaspé, at Carleton, on Tuesday the first day of July next, to answer William Carter, of a certain place called Port Daniel, in the inferior district of Gaspé, in the province of Lower Canada, merchant, in conformity with the statute, 25 Geo. 3, c. 2, s. 37; and further to do and receive what in our said court before us in this behalf shall be considered, and have you then and there this writ.

Witness the Honourable John Gawler Thompson, our judge of our said provincial court for the said inferior district of Gaspé, at New Carlisle, the 7th day of May, in the ninth year of our reign.

A. Bebee, P. P. C.

I hereby certify that I have been prevented from seizing in this cause, by opposition and resistance by the defendant, as will appear by my procès-verbaux in cause filed and attached, Nos. 1, 2 and 3; and that the defendant has not neither been apprehended, not having yet been found, according to the writ of *capias* issued in pursuance to the fiat at foot of procès-verbal No. 1.

Paspébiac,
28th June 1828

J. Ferguson Winter,
Sheriff.

(Procès-verbal, No. 2.)

Province of Lower Canada, Inferior District of Gaspé.

No. 375.

William Carter, Plaintiff, *vs.* Timothy Lefforgie, Defendant.

AT New Carlisle, being Monday, the 5th of May, in the year 1828, at midnight, at five in the afternoon of this day I proceeded with man, horse, and cabriolet (and J. F. Deblois, esq., to accompany me) to the east end of Paspébiac, to the residence of the Honourable John Gawler Thompson, judge of the provincial court of the said district of Gaspé, where, arriving at seven of the clock in the afternoon, and asking for him, the said honourable judge, his servant man and his servant maid made answer, that himself, with Mrs. Thompson, his wife, had embarked at or about noon of the same day on board of a schooner, on their way for Quebec. I therefore immediately returned here (to New Carlisle aforesaid), and at about or past eleven of the clock of the afternoon of this day, called on Captain James Chisholm (captain of militia), awoke him, and did not then judge him fit to execute any orders; therefore told and ordered him to call on me to-morrow morning, at J. F. Deblois', esq., when and where he would receive particular orders from me for urgent and important duty. At this time, about midnight, called at the gaol, and spoke to James Gillker, the keeper, and gave him orders to endeavour, and do his utmost, at the peep of day, to find and send two men to relieve Robert Smollet and Henry Kempfer, who had been placed by me to guard around and about the house and premises of Timothy Lefforgie, the defendant; and after this, to call on Thomas Man, esq., the old sheriff, with my compliments, and ask and require of and from him, in my behalf, the key of the room in the court hall, where the arms are lodged, as I needed them immediately, for an urgent and pressing necessity.

New Carlisle, midnight,
5th May 1828.J. Ferguson Winter,
Sheriff.

(Procès-verbal, No. 1.)

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

No. 375.

William Carter, Plaintiff, *vs.* Timothy Lefforgie, Defendant.

THIS day, being Monday, the 5th of May, in the year of our Lord 1828, I proceeded with my bailiff, Mr. Robert Smollett, to the house and dwelling of the defendant in this cause, in order to attach and seize in obedience to the *saisie arrêt simple* in this cause; but being there, near the house and dwelling of the said defendant, at ten minutes before two o'clock in the afternoon of this said same day, a young woman came out of the house with a bucket in her hand, and looking at me in a cabriolet, flew or ran back into the house, and quickly called in two young children that were near the house, and shut the door. I then went to the door and knocked, and tried to open the door, but it was barred or fastened from inside. I asked admittance, and a more elderly woman than the aforesaid (called Mrs. Allen, as I am informed) spoke and showed herself through the window glass, and said she had orders from Mr. Lefforgie to let no person in the house during his absence. I then handed and served the writ and declaration in this cause, by handing true copies of the same to the said Mrs. Allen through a broken pane of glass, telling her to hand the same to Mr. Lefforgie, the defendant. I then told the said woman "I am the sheriff, and I ask admittance in the King's name." She again refused, and said she had orders from Mr. Lefforgie not to admit or permit any person to come into the house. Being thus resisted, let, impeded and prevented, I could not nor have not executed the said writ of *saisie arrêt simple* against the said defendant, by seizure or attachment; neither did I find anything outside, around the house or premises, to seize. I have therefore appointed to remain about the said house and premises Robert Smollet and Henry Kempfer, as records to guard and prevent anything being removed or taken out of the house or premises.

New Carlisle, 4 P.M.
5th May 1828.J. Ferguson Winter,
Sheriff.

Let a writ of attachment issue against the said Timothy Lefforgie, in conformity with the statute 25 Geo. 3, c. 2, s. 37.

Paspébiac, 6th May 1828.

Jno. G. Thompson,
Judge Dist. Gaspé.

Correspondence
respecting
Mr. Thompson.

Province of Lower Canada, Inferior District of Gaspé.

No. 375.

George the Fourth, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith,

To the Sheriff of our Inferior District of Gaspé, greeting:

Jno. G. Thompson,
Judge Dist. Gaspé.

We command you, at the instance of William Carter, of a certain place called Port Daniel, in the inferior district of Gaspé in the province of Lower Canada, merchant, to attach all and every the goods, estate, debts and effects of Timothy Lefforgie, in the possession of him the said Timothy Lefforgie, and belonging to him, at Cox Township, if the same shall be so found in your district, and the said goods, estate, debts and effects so attached, safely to hold, keep and detain in your charge and custody, until the attachment thereof which shall be so made under and by virtue of this writ shall determine in due course of law.

We command you also to summon the said Timothy Lefforgie to be and appear before us in our provincial court for our said inferior district of Gaspé, at Carleton, on Tuesday, the first day of July next, the said Timothy Lefforgie then and there to answer the said William Carter, of the *demande* contained in the annexed declaration, and the said Timothy Lefforgie then and there to show if he hath or can say anything why, in our said court before us, the attachment which shall be so made as aforesaid, should not be declared good and valid, and further to do and receive what, in our said court before us in this behalf, shall be considered; and in what manner you shall have executed this writ, then and there certify unto us, with your doings thereon, and every of them, and have you then and there also this writ.

Witness the Honourable John Gawler Thompson, judge of our provincial court for the said inferior district of Gaspé, at New Carlisle, the 3d day of May, in the ninth year of our reign.

A. Bebee, P. P. C.

J. F. Deblois, Atty.'s Plaintiff.

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

No. 375.

William Carter, Plaintiff, *vs.* Timothy Lefforgie, Defendant.

William Carter, of a certain place called Port Daniel, in the inferior district of Gaspé, in the province of Lower Canada, merchant, plaintiff, after being duly sworn, deposeth and saith, that Timothy Lefforgie, of a certain place called Cox Township, in the inferior district of Gaspé, in the province of Lower Canada, yeoman, defendant, is actually and personally indebted to him, the deponent, in a sum exceeding 10*l.* currency, to wit, in the sum of 29*l.* 17*s.* 5½*d.* lawful current money of this province, for goods, wares and merchandizes sold and delivered by the said deponent to the said Timothy Lefforgie, and for money paid, laid out and expended for the said Timothy Lefforgie by the said deponent; and the said deponent further saith, that the said Timothy Lefforgie is immediately about to secrete his estate, goods, debts and effects, with an intention to defraud the said deponent, his creditor, and that he, the said deponent, verily believes he will lose his debt and sustain damage, without the benefit of a writ of attachment, *arrêt simple*, to be forthwith issued, to take and detain the goods, estates, debts and effects of the said Timothy Lefforgie, according to law.

New Carlisle, 19th April 1828.

(signed) William Carter.

Sworn before me this 21st April at Paspébiac, 1828.

(signed) John G. Thompson,
Judge Dist. Gaspé.

Let a *saisie arrêt* issue, as prayed for, this 21st April, at Paspébiac, 1828.

(signed) John G. Thompson,
Judge Dist. Gaspé.

I do hereby certify the above to be a true copy of the affidavit sworn to by the said William Carter before the Honourable John Gawler Thompson, judge of the provincial court for the inferior district of Gaspé, at Paspébiac, on the 21st day of April 1828, and filed and remaining of record in my office.

New Carlisle, 3d May 1828.

A. Bebee, P. P. C.

[Here follows the copy of the Declaration.]

(No. 9.)

Procès-verbal No. 3 in Cause No. 375.

(Procès-verbal No. 3.)

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

No. 375.

William Carter, Plaintiff, vs. Timothy Lefforgie, Defendant.

On Tuesday, the 6th day of May, in the year of our Lord 1828, at New Carlisle, Mr. James Gillker, the gaoler, made report to me, about seven of the clock in the forenoon, that he just came from Thomas Man, esquire's, the old sheriff, with my best compliments, to ask him for the key of the room in the court hall where the fire arms are locked, as I needed the use of those arms immediately; and that the said Thomas Man, esq. told him positively and pointedly that he would not send me the key. About the same time, Captain James Chisholm came with intention of receiving orders, which I gave him in writing, in order that he should guard and cause to be guarded the house and premises of the defendant, that nothing might be taken out nor removed; but he said he absolutely needed arms. Therefore I wrote a letter by him to the said Thomas Man, requesting the said key, and he again sent me a positive refusal by the said Captain Chisholm; and moreover the said Thomas Man told Daniel Hall and Hugh Caldwell, two men whom Captain Chisholm had ordered on this service, that they were not obliged to go, as militiamen, on such service, neither did they need fire-arms, but that that was the duty of the constables with blue sticks: this they reported in presence of said Captain Chisholm, and James Gillker, and J. F. Deblois, esq., and said they could say so upon oath; and that therefore they did not know whether they were to obey the old sheriff or the young sheriff. Upon a report that the schooner on board of which Judge Thompson had embarked for Quebec had put back by contrary winds at Paspébiac, I sent thither with my procès-verbaux Nos. 1 & 2, and obtained an order for a *capias* against the said defendant, at about seven in the afternoon of the same day.

On Wednesday the 7th day of May instant, I waited on Amasa Bebee, esq., at the court hall, between ten and eleven o'clock in the forenoon for a *capias*, which I obtained between twelve and one o'clock. I then gave my warrant to Captain Chisholm, to be executed by him or any other person, for the apprehension of the said Timothy Lefforgie; and in the afternoon of this same day, Hector Morrison, who had the warrant, made an attempt to take and apprehend the said Lefforgie, with the assistance of William Rafter; but neither being armed, they could not take him, he being armed with a large stick, put them at defiance and escaped; the said Morrison and Rafter were on guard.

This day, being Thursday, the 8th day of May instant, reported by Neil M'Kinnon and Hugh Morrison, who were on guard last night, through Captain James Chisholm, that there was no person in the house of said Lefforgie, and that there appeared nothing in the house. At about one of the clock in the afternoon of this day, I went to the house and premises of the said Lefforgie, accompanied by Captain Chisholm, and knocked at the door, announced myself, and asked admittance; but the door and all the windows were shut, and no person appeared nor answered; therefore I could not enter the house in order to seize. I looked through the glass of all the windows, and saw that there was, or appeared to be, nothing in the house. I therefore find it unnecessary expense to keep guards about the house any longer.

New Carlisle, the 8th May 1828, at six o'clock in the afternoon.

J. Ferguson Winter, Sheriff.

(No. 10.)

Judgment in Cause No. 375.

No. 375.

William Carter vs. Timothy Lefforgie.

Judgment for 29*l.* 17*s.* 5½*d.* currency, for causes stated in plaintiff's declaration, with interest from day of service and costs of suit.

31st September 1828.

(paraphé) *J. G. T.*

Copy of Judgment.

Correspondence
respecting
Mr. Thompson.

(No. 11.)

MEMORANDUM of Sheriff's Costs, Charges and Disbursements in Cause No. 375.

Province of Lower Canada, Inferior District of Gaspé.—In the Provincial Court.

Cause No. 375.

William Carter, Plaintiff, vs. Timothy Lefforgie, Defendant.

1828 :	Dr. to Sheriff :	£.	s.	d.
May — - -	To service and return (<i>saisie arrêt simple</i>) - - -	-	11	8
	To signification - - - - -	-	2	6
	To mileage - - - - -	-	2	-
	To Robert Smollett, for attending, assisting, and guarding the property and premises of the defendant, for several times and days after resistance was offered -	1	-	-
	To Henry Kempfer, for guarding property and premises part of a day and a night - - - - -	-	10	-
	To two procès-verbaux, in consequence of reiterated resistance - - - - -	1	-	-
May 7 - -	To paid Amasa Bebee, esq., prothonotary, for a capias against defendant - - - - -	-	2	6
	To service and return of capias - - - - -	-	11	8
	To signification - - - - -	-	2	6
	To mileage to and fro, about eight leagues - - -	1	4	-
	To another procès-verbal - - - - -	-	10	-
	To forwarding and expediting seven warrants to different parts, to apprehend defendant - - - - -	3	10	-
	To James Gillker and Son, for attendance with horse and cabriolet, five different times and different days -	2	10	-
May 8 & 9 -	To James Chisholm, captain of militia, for guarding, attendance and services, three days, and for ditto, of two different men at a time for two days and two nights	5	-	-
	To eight days of the sheriff's necessary attendance after the time required, and more than the time required, in consequence of delay and resistance of the defendant and others, to the execution of the writ, &c. - - -	16	-	-
	£.	32	16	10
	Off - - -	16	-	-
	£.	16	16	10

Paspébiac, Sheriff's Office,
12th May 1828.

J. Ferguson Winter,
Sheriff.

The above named sheriff maketh oath and saith, that the disbursements mentioned in the above bill were by him contracted and disbursed.

J. Ferguson Winter.

Sworn before me at Paspébiac, this 24th April 1829.

John G. Thompson, Judge.

Taxed and allowed at the sum of 16*l.* 16*s.* 10*d.* currency.

Paspébiac, 24th April 1829.

John G. Thompson, Judge.

(No. 12.)

PETITION of *Duncan Hay*, one of the Creditors of James Ferguson Winter, and Act of Notoriety.

Province of Lower Canada, Inferior District of Gaspé.

To the Honourable John Gawler Thompson, Provincial Judge for the Inferior District of Gaspé.

The petition of the undersigned creditors of James Ferguson Winter, esq., heretofore of Paspébaic, in the county of Bonaventure, in the district of Gaspé, sheriff of the said district,

Humbly sheweth,

That the said James Ferguson Winter, esq., late sheriff of this district, departed this district on or about the 1st September 1833; that the present residence of the said James Ferguson Winter is unknown.

That

That your Honor's petitioners have claims against the estate of the said James Ferguson Winter, which they are not able to enforce, owing to the premises aforesaid.

Wherefore your Honor's petitioners do conclude that your Honor be pleased to order a meeting of the friends of the said James Ferguson Winter, for the purpose of electing a curator to the estate of the said James Ferguson Winter; and, as in duty bound, shall pray.

Duncan Hay.

Let the friends of the said James Ferguson Winter, esq., appear before me at the court-hall at New Carlisle, on Thursday, the 19th instant, at the hour of 11 in the forenoon, for the purposes of the foregoing petition.

Jno. G. Thompson,
Prov. Judge.

Paspébiac, 18 February 1835.

On this day, the 18th of February, in the year of our Lord 1835, personally came before me, Robert Caldwell, esq., one of His Majesty's justices of the peace for the inferior district of Gaspé, acting by virtue of the Act of the Provincial Legislature of Lower Canada, empowering justices of the peace to act in the said district as public notaries; Daniel Marrett, of Carlisle, in the county of Bonaventure, and district aforesaid, carpenter; and John Marrett, of the same place, labourer, who did, in my presence, and in the presence of the undersigned witnesses, declare, that they know James Ferguson Winter, esq., formerly sheriff of the district of Gaspé; that it is to their knowledge that the said James Ferguson Winter left the district about 18 months ago, and that the said James Ferguson Winter hath since left the province of Lower Canada. The said Daniel Marrett and the said John Marrett have both signed this declaration, in the presence of Robert Wiley Fitton, esq., student at law, and François Langlois, of Paspébiac, labourer, who have also signed these presents, at New Carlisle, in the house of Duncan Hay.

(signed) *Daniel Marrett,*
John Marrett,
Robert Caldwell, J. P.

Witnesses, *François Langlois,*
Robt. W. Fitton.

(A true copy of the original.)

Robert Caldwell, J. P.

(No. 13.)

ACT of CURATORSHIP of *Robert Sherar, Esq.* to the Absence of James Ferguson Winter.

IN the year 1835, the 19th day of February, at the office of the prothonotary of the provincial court of the inferior district of Gaspé, at the hour of 10 in the forenoon, before us, the judge of the provincial court of the inferior district of Gaspé, appeared Duncan Hay, of New Carlisle, in the district of Gaspé, merchant, the petitioner, who did declare to us that in virtue of our ordinance or order at the foot of the petition to us presented, in order to elect a curator to the absent estate of James Ferguson Winter, esq., formerly sheriff of the inferior district of Gaspé, and to this end hath caused to be assembled before us, to wit, John McClellan, John Hardeley, esq., John Day, Daniel Marrett, Thomas B. Munro, Robert W. Fitton, John Robinson Hamilton, esq., requesting us in their presence to receive their advice on the said election. And the above named being then and there present, we did cause the said petition to be read to them, and did take and receive from them the usual and customary oath; and after the said oath taken, they did unanimously say that they are of opinion that Robert Sherar, esq., be curator to the absent estate of the said James Ferguson Winter, esq., who being then here present, did voluntarily accept the said charges, and promised each respectively to discharge their duty therein under the customary and usual oath, and did

John McClellan,
John Hardeley,
John Day,
Daniel Marrett,

Thomas B. Munro,
R. W. Fitton,
John R. Hamilton,
Robert Sherar, Curator.

Whereupon we, judge aforesaid, have homologated and confirmed, and do homologate and confirm the above advice (*avis*), and in conformity thereto, declare that Robert Sherar, esq., shall be and remain curator to the absence of the said James Ferguson Winter, to the effect of regulating and governing his property.

Jno. G. Thompson,
Prov. Judge.

Correspondence
respecting
Mr. Thompson.

(No. 14.)

AFFIDAVITS of William Marsden, Germain La Prise, George Wright, the Widow of Edward Green, François Pelletier, Duncan M'Keachney, and James Ferguson Winter.

BEFORE me, Louis Massue, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in Quebec, personally came and appeared, William Marsden, esq., physician and surgeon, of the city of Quebec aforesaid, and being duly sworn on the Holy Evangelists of Almighty God, did depose and say, that he knows James Ferguson Winter, esq., ex-sheriff of the district of Gaspé, to have been in Quebec, from or before the month of February 1833 till the latter part of the year 1834, and within that time to have lived at Blucher's-inn, kept by John Vannovous, in the Upper Town of Quebec, and that he believes the said James Ferguson Winter never absented himself from the province of Lower Canada during that period, nor since, to this time, and he is still in Quebec, in St. John's Suburbs, No. 6, Artillery-street, at Widow Edward Green's.

Wm. Marsden.

Sworn before me at Quebec, this 25th day of April 1835,

L. Massue, J. P.

Personally appeared before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec, Germain Dagnau dit La Prise, of the same town of Quebec, tavern-keeper, keeping the Gaspé-inn, who being duly sworn upon the Holy Evangelists, doth depose and say, that he has known James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esquire, ever since about the end of November 1832, or the beginning of December of the same year; at which period he, the said James Ferguson Winter, came to live at the house of one Louis Simard, trader and tavern-keeper, situate in St. Paul's-street, opposite to the New Market, at which house he, this deponent, was there also; that the said James Ferguson Winter left the house of the said Louis Simard about the end of the month of January 1833, and went to live at the house of one John Vannovous, at the Blucher-inn, in the Upper Town of Quebec, where this deponent often saw him until about the end of the year 1834, and that he now lives in St. John's Suburbs, and has never absented himself from the province of Lower Canada since his arrival in Quebec as aforesaid.

Deponent hath signed,

Germain La Prise.

Sworn before me at Quebec the 4th May 1835,

Mich. Clouet, J. P.

Before me, Michel Clouet, esq., one of His Majesty's justices of the peace, for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec, personally came and appeared, George Wright, of the city of Quebec, printer, who being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, that he knows James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esq., and that to his, deponent's, certain knowledge, he, the said James Ferguson Winter, has boarded and lodged at Blucher's-inn, Upper Town, Quebec, kept by John Vannovous, from the beginning of the year 1833, without interruption, till the 30th day of the month of November 1834; that in the afternoon of this very same day, being Sunday, he, deponent, accompanied the said James Ferguson Winter, at Mount Pleasant Hotel, where the said James Ferguson Winter boarded and lodged for eight or nine days, and thence removed and went to board and lodge at Widow Edward Green's, in St. John's Suburbs, No. 6, Artillery-street, where he has remained ever since to this time. Deponent further saith, from his certain knowledge, that it was never the intention of the said James Ferguson Winter to abscond or absent himself from the province of Lower Canada; and that he has not from nor during those periods absented himself from the province of Lower Canada. Further deponent saith not.

George Wright.

Sworn to before me, at Quebec, this 4th day of May 1835,

Mich. Clouet, J. P.

Before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec personally came and appeared Deborah Dobbin, widow of the late Edward Green, in his lifetime of Quebec, carpenter, who, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, that she has known James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esq., for several months past; and that to her knowledge he has boarded and lodged a long time, before he lodged at her house,

house, at an inn kept by one John Vannovous, in the Upper Town of Quebec; that he came to board and lodge at her house, in St. John's Suburbs, Artillery-street, No. 6, about the 8th or 9th of the month of December last, where he is still; and that since she has known him he has not absented himself from the province of Lower Canada. Further deponent saith not.

Widow Ed. Green.

Sworn to before me, at Quebec, this 4th of May 1835.

Mich. Clouet, J. P.

Personally appeared before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing at Quebec, this 25th day of April in the year of our Lord 1835, François Pelletier, esq., of the Lower Town of Quebec, merchant, who being duly sworn upon the Holy Evangelists, deposeth and saith, that he knows James Ferguson Winter, ex-sheriff of the district of Gaspé, in this province, esquire, and to his knowledge the said James Ferguson Winter, since his arrival in Quebec from the district of Gaspé, has not absented himself from the said province of Lower Canada, and that he at present resides at Quebec.

François Pelletier.

Sworn before me, at Quebec, this 25th day of April 1835,

Mich. Clouet, J. P.

Before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, residing in the city of Quebec, personally came and appeared Duncan M'Keachney, keeper of Mount Pleasant Hotel, at the extremity of St. John's Suburbs, within the precincts of the said city of Quebec, who, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith, that he knows James Ferguson Winter, ex-sheriff of the district of Gaspé, in the said province of Lower Canada, esq.; that, on the evening of the 30th and last day of the month of November last, 1834, the said James Ferguson Winter did come and lodge at his said hotel for eight or nine days, having that day left Blucher's-inn, Upper Town, Quebec, kept by John Vannovous, where, to deponent's certain knowledge, the said James Ferguson Winter had boarded and lodged, without intermission, for a long time before he came to his house, and that on the 8th or 9th day of December last, the said James Ferguson Winter went to board and lodge at Widow Green's, No. 6, Artillery-street, St. John's Suburbs, where he lodges still, and that since deponent has known him he has never absented himself from the province of Lower Canada. Deponent further saith not, and has signed,

Duncan M'Keachney.

Sworn before me, at Quebec, this 4th of May 1835.

Mich. Clouet, J. P.

Personally appeared before me, Michel Clouet, esq., one of His Majesty's justices of the peace for the district of Quebec, in the province of Lower Canada, James Ferguson Winter, ex-sheriff of the district of Gaspé, in the province of Lower Canada, esq., who being duly sworn upon the Holy Evangelists, doth depose and say, that on the 4th day of November 1832, he embarked on board a schooner at Paspébiac, in the aforesaid district of Gaspé, to proceed to Quebec, where, after the utmost diligence, he arrived either on 30th day of the same month or on the 1st day of December of the same year, 1832, and that from that period to the present time, he, this deponent, hath never absented himself from the province of Lower Canada, but hath always resided in the city of Quebec, and in the St. John's Suburbs, within the precincts of the said city; the said deponent further saith, that he saw William Marsden, physician and surgeon, sign a certain deposition to which he was duly sworn by Louis Massue, esq., justice of the peace, and that he also saw the said Louis Massue, esq., affix his signature to the same, in his quality of justice of the peace, the 25th day of April last. The said deponent further saith, that he saw one George Wright, one Duncan M'Keachney, and the widow of one Edward Green, severally sign a deposition on the 4th of the present month of May, and that he saw the said deponents on the same day sworn by Michel Clouet, esq., justice of the peace, whom this deponent also saw affix his signature to each of the said depositions; and deponent further saith not.

J. Ferguson Winter.

Sworn before me, at Quebec, this 7th day of May 1835,

Mich. Clouet, J. P.

Correspondence
respecting
Mr. Thompson.

(No. 15.)

AFFIDAVIT to hold to bail of *John Robinson Hamilton*, in Cause No. 810. David Smith and Adam Brotherton, Plaintiffs, vs. Rufus Chamberlin, Defendant.

Province of Lower Canada, District of Gaspé.—In the Provincial Court.

810.

John Robinson Hamilton, of Carleton, in the county of Bonaventure, and district of Gaspé, advocate, lawful attorney of David Smith, of Hope Town, in the county and district aforesaid, farmer, and Adam Brotherton, of Paspébiac, in the said county and district, farmer, being duly sworn, doth depose and say, that Rufus Chamberlin, of Oak Point, in the county and district aforesaid, farmer, is personally indebted to the said David Smith and Adam Brotherton, in a sum exceeding 10*l.* currency, to wit, in the sum of 15*l.* currency.

That this deponent is credibly informed, hath every reason to believe, and doth verily in his conscience believe that the said Rufus Chamberlin is immediately about to leave the province, whereby the said David Smith and Adam Brotherton, without the benefit of a *capias ad respondendum* or attachment against the body of the said Rufus Chamberlin, may be deprived of their remedy against the said Rufus Chamberlin; and this deponent hath signed,

John R. Hamilton.

Sworn before me this 6th day of July 1831, and thereupon let a writ of *capias ad respondendum* issue against the body of the said Rufus Chamberlin.

Jno. G. Thompson,
Prov. Judge, Gaspé.

(No. 16.)

CAPIAS against *Rufus Chamberlin.*

Province of Lower Canada, Inferior District of Gaspé.

William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith,

To the Sheriff of our Inferior District of Gaspé, greeting,

810.

(L. S.)
(Signed) Jno. G. Thompson, } We command you, that you take Rufus Chamberlin, of Oak Point,
Prov. Judge, Gaspé. } in the county of Bonaventure, in the district of Gaspé, farmer, if he
may be found in your district, and him safely keep, so that you may have his body before us, in our provincial court for the inferior district of Gaspé, at Carlisle, in our said district, on Wednesday the 21st day of September next, to answer David Smith, of Hope Town, in the county and district aforesaid, farmer, and Adam Brotherton, of Paspébiac, in the said county and district, farmer, of the *demande* contained in the annexed declaration, and further to do and receive what, in our said court before us in this behalf, shall be considered, and have you then and there this writ.

Witness the Honourable John Gawler Thompson, our judge of our said provincial court for our said inferior district of Gaspé, at Carleton, the 6th day of July, in the first year of our reign.

(signed) *A. Bebee, P. P. C.*

(A true copy.)

Robert Smollett, Deputy Sheriff.

Issued upon the affidavit of John Robinson Hamilton, for the sum of 15*l.*

Carleton, 6 July 1831.

(signed) *A. Bebee, P. P. C.*

(A true copy.)

Robert Smollett, Deputy Sheriff.

(No. 17.)

PETITION of *François Langlois* and *Euphrosine Dugué*, Joint Tutors to the Minor Children of the late Jean Louis Laurent.

Province of Lower Canada, District of Gaspé.

To the Honourable John Gawler Thompson, Judge of His Majesty's Provincial Court for the District of Gaspé, &c. &c. &c.

The petition of *François Langlois* and *Euphrosine Dugué*, joint tutors, in due form of law appointed, to the minor children of the late Jean Louis Laurent,

Humbly sheweth,

That heretofore, to wit, on the 8th day of September, in the year of our Lord 1830, at Paspébiac, in the district aforesaid, your petitioners had an inventory duly made and executed before witnesses, of the moveable and immoveable property belonging to the succession and community of the said late Jean Louis Laurent.

That it is necessary that the same be entered in full length, and recorded in the register of the prothonotary of the provincial court.

Wherefore your petitioners humbly pray that your Honor will be pleased to order that the same be entered in the register of the prothonotary of the provincial court, and shall pray.

Hamilton,

Paspébiac, 9 September 1830.

Atty. for Petitioners.

Let the above-named petitioners appear before me on Saturday next, the 11th day of September instant, at the court-hall at New Carlisle, in the said district, at the hour of 11 in the forenoon, for the purposes of the foregoing petition, at which time and place they will produce such witnesses as they may deem meet.

Jno. G. Thompson,

Paspébiac, 9 September 1830.

Prov. Judge, Gaspé.

(No. 18.)

INVENTORY of the Moveable and Immoveable Property of the Succession of the late Jean Louis Laurent.

Province of Lower Canada, District of Gaspé.

ON this day, the 8th day of September, in the year of our Lord 1830, before the undersigned witnesses, and Daniel Marrett, duly sworn as assessor (*priseur et estimateur*), personally came, appeared and were present, *Euphrosine Dugué*, widow of the late Jean Louis Laurent, in his lifetime of Paspébiac, mariner, and *François Langlois*, joint tutors, in due form of law appointed, to *Euphrosine*, *Hélène* and *Caroline*, minor children, issue of the marriage of the said *Euphrosine Dugué*, with the said late Jean Louis Laurent, which said *Euphrosine Dugué* and *François Langlois* did, the oath being previously tendered unto them, declare unto and before the said witnesses, that the after-mentioned articles comprise the whole of the moveable and immoveable property belonging to the succession and community of the said late Jean Louis Laurent, to wit :

	£.	s.	d.
1 stove irons, &c.	1	10	-
1 bed, bedstead and blankets	3	-	-
1 table	-	8	-
1 trunk	-	6	-
120 boards	3	-	-
30 planks	1	5	-
A lot of crockery	-	10	-
4 axes	-	12	-
2 iron kettles and 2 chaudrons	1	2	6
1 spade and 1 shovel	-	4	-
A frying-pan	-	2	-
1 large kettle	-	7	6
A lot of buckets and kettle	-	8	-
2 jars	-	2	-
1 box of books	-	3	-
2 jars oil	-	3	-
A lot of knives and forks	-	2	-

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	£.	s.	d.
1 gun	-	7	6
40 pieces of cedar	3	-	-
1 cradle	-	3	-
1 lamp and candlesticks	-	3	-
1 cow	4	-	-
1 heifer	1	-	-
6 pigs	1	10	-
2 tubs	-	3	-
1 stage	2	-	-
8 acres of land, with house, to be hereafter valued -	-	-	-
	£.	25	11 6

Which said inventory was so made and executed for the purpose of ascertaining the rights of the said minor children.

François Langlois, Tutor.
Daniel Marrett.
his
Joseph x Dugué.
mark.

her
Euphrosine x Dugué.
mark.
his
Nicholas x Le Brasseur.
mark.
John R. Hamilton.

The foregoing inventory, containing three pages, was legally closed, after oath duly made, this 11th of September 1830. Before me,

Jno. G. Thompson,
Provincial Judge.

Enclosure No. 2, to DESPATCH from the Earl of Gosford, dated 6 December 1836.

NINTH REPORT of the STANDING COMMITTEE of GRIEVANCES.

The Standing Committee on Grievances, to whom were referred the Petition of Joseph François Deblois, Esq., Advocate, one of the Members of your Honourable House, charging the Honourable John Gawler Thompson, Judge of the Provincial Court of the Inferior District of Gaspé, with high Crimes and Misdemeanors, and other matters of reference, have agreed to the following Report, being the second relative to the said Petition:

Your committee have heard divers witnesses in support of the said petition, and have thought it necessary to cite in this report the names of those on whose evidence, joined to that deduced from the papers and documents in the possession of your committee, this report is founded. These witnesses are, J. C. Létourneau, Edouard Thibaudeau, and Joseph François Deblois, esqrs., Members of the Provincial Parliament of Lower Canada; Nicholas Boucher, Henry Bisset Johnston, and N. Freer, esqrs., justices of the peace; James Ferguson Winter, late sheriff of the inferior district of Gaspé; George Mellis Douglass, esq., physician; Messrs. Nicholas Allard, Pierre Tivierge, Louis Boulet, and André Dominique, masters of schooners and mariners; John Bissin, seaman; Germain Durand, trader; Etienne Lebreux, joiner; Patrick Enright, farmer; and John Green.

It was in the spring of the year 1827, that the Honourable John Gawler Thompson, judge of His Majesty's provincial court of the inferior district of Gaspé, arrived at Paspébiac, formerly in the county of Gaspé, and now in the county of Bonaventure, in the said inferior district, as successor to the Honourable Alexis Caron, in his lifetime judge of the said provincial court, who died at Paspébiac aforesaid, in the winter of the same year.

Your committee submit to your honourable House, that during the terms of the said provincial court at Percé, at Carleton, and at Douglas Town, in the county of Gaspé, then in the said inferior district, held in the months of July and August in the year 1827, the said Honourable John Gawler Thompson, being such judge as aforesaid, was not ashamed to offer to the inhabitants of the said several localities the revolting spectacle of a judge drunk upon the bench while the court was sitting, and incapable of performing his high judicial functions; and that within the strict meaning of the law, he could not and would not hold the term of the said court at Percé aforesaid, in the month and year above mentioned.

That subsequently to the term of the said provincial court held at Douglass Town aforesaid in the year 1827, until the term of the said court held at New Carlisle in the month of

of March 1832 (the place last mentioned being now within the county of Bonaventure, in the said inferior district), the scandalous conduct of the said judge was not so publicly notorious with regard to the immoderate use of intoxicating liquors; yet your committee cannot disguise the truth, and it is therefore their duty to inform your honourable House, that during the said space of time, at intervals, and at different terms of the said court held in the said inferior district, the said judge was several times seen drunk on the bench while the court was sitting, and that more frequently on divers other days, and during other sittings of the said court, the said judge was, from the immoderate use of spirituous liquors, in a state which convinced the advocates and attorneys of the said provincial court, that the said judge was not fit to perform his judicial duties; for which reason the said advocates and attorneys were induced to postpone the matters which were to be submitted at the several sittings of the said court. Your committee except the term of the said court held at Carleton aforesaid, in the month of July in the year 1831, when the conduct of the said judge was more strongly marked by intemperance, as well during the sittings of the court, as out of court, that is, when he was at chambers in the exercise of his judicial functions.

Your committee have satisfied themselves that at the term of the said court held at Carleton, in the county of Bonaventure, in the month of July in the year 1832, the said judge was several times drunk on the bench while the court was sitting; that at the greater part of the other sittings of the court, he was, from the immoderate use of spirituous liquors, in a state which rendered him incapable of performing his judicial functions; and lastly, that the public conduct of the said judge, during the said term, was so notoriously degrading, that His Majesty's subjects in that place openly testified the contempt they entertained for the said judge personally, and the little confidence they had in the judgments of the said provincial court.

That from the term of the said court held at Percé, in the county of Gaspé, in the said inferior district, in the month of August in the year 1832, to the term of the said court held at New Carlisle, in the said county of Bonaventure, in the said inferior district of Gaspé, in the year 1835, the intemperance of the said judge was not so public as in the month of July 1832; but your committee, from a sense of duty and a feeling of justice, cannot conceal from your honourable House, that it is proved that during that space of time, at divers intervals, and at different terms of the said court, held in the said inferior district of Gaspé, the said judge was several times seen drunk upon the bench while the court was sitting; that at other sittings of the said court the said judge was most frequently in a state bordering on drunkenness; and lastly, that the said judge, at divers other sittings of the said court, was, from the immoderate use of intoxicating liquors, still more frequently observed to be in a state which made it violently suspected that the said judge was not then fit to take cognizance of the business brought before the said provincial court; in consequence of which, the attorneys and advocates of the said court postponed the consideration of business which might have been terminated, if the said judge had not been on these occasions under the influence of spirituous liquors.

Your committee thought it their duty to inquire what the public conduct of the said judge has been at chambers, during the vacations between the terms of the said provincial court, from his appointment as judge of the said inferior district of Gaspé, to the term of the said provincial court held in September last; and it was not long before your committee were convinced that the general conduct of the said judge has been marked by traits of drunkenness and intemperance, which have impeded the administration of justice in the said inferior district of Gaspé.

Struck by the various excesses of intemperance on the part of the said judge, during his residence in the said inferior district of Gaspé, your committee continued their researches, and they submit to your honourable House, as the result of these researches, that in those cases where the said judge has gone alone to the circuit courts in the said inferior district, he has invariably given way to great excesses of drunkenness; and that when he has been accompanied on the said circuits by a person who is attached to him by the most sacred ties, the intemperance of the said judge, without being so manifestly condemnable, has nevertheless been such as to render him unworthy to sit as a judge in any of His Majesty's courts of law.

It has been proved before your committee, that the said judge, ever since he has resided in the said inferior district of Gaspé, has been in the habit of proceeding to the several places where the courts of justice are held, only the day before the opening of the terms of the said courts, and of going away again immediately after the last sitting of the court, and that this has been the case at almost every term; in consequence of which, His Majesty's subjects in the said inferior district of Gaspé have been subjected to costs, expenses, delay, and even to heavy losses, contrary to the spirit of the provincial statutes of Lower Canada, relative to the jurisdiction and constitution of the said provincial court, the principal object of which was evidently to confer on His Majesty's said subjects the benefits arising from an administration of justice at once prompt and efficacious, cheap and sure.

Your committee have likewise ascertained that the said judge has, for more than seven years, resided at Paspébiac aforesaid; that the distance from the residence of the said judge to the court-house at New Carlisle, is about five miles; that His Majesty's subjects have been obliged to submit to serious inconvenience, to expense and to delay, when they have sought to secure their just rights at law, by writs of *capias ad respondendum*, or of *saisie arrêt simple*, or by other writs before judgment; that fraudulent debtors have, with greater facility, evaded their creditors, and escaped into the province of New Brunswick; and that these obstacles to the ends of justice, arising from local circumstances, might have

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been lessened in a great number of instances, and the expenses above mentioned avoided, if the said judge had fixed his residence at New Carlisle aforesaid.

It has been proved to the satisfaction of your committee, that the said judge has evinced a repugnance to, and neglected the performance of, his judicial duties, with regard to the despatch of the business commonly done at chambers; and that he has in this respect generally impeded the course of the law in the said inferior district.

Your committee think it right to point out that it has been clearly established that the said judge has, during his residence in the said inferior district, frequently left the seat of jurisdiction for the purpose of coming to Quebec, a distance of about 180 leagues from the said town of New Carlisle; and that this contempt for the due administration of justice has exposed His Majesty's faithful subjects in the said inferior district to the loss of their legal recourse against their debtors; and that in one case among others (that of William Carter, plaintiff, v. Timothy Lefforgie, defendant, No. 375,) the consequence has been a very considerable loss to the plaintiff.

Your committee perceive by the evidence, that at the beginning of October in the year 1827, the said judge refused his fiat for a writ of *capias ad respondendum* when he was duly required to grant it, namely, in an action brought by one Pierre Aubin against Pierre Duval, esq., of the island of Bonaventure, in the county of Gaspé, in the said inferior district, merchant; that in certain cases the said judge also illegally refused his fiat for writs of *saisie arrêt simple* and of *saisie arrêt*, and that after having refused such fiat, he subsequently granted it, but at a time when the plaintiff had virtually lost his recourse against his debtors, and that this happened in the month of July in the year 1828, in a certain cause wherein Robert Ferguson was plaintiff, and Robert Pitt, Samuel M'Kay and James M'Kay, defendants, and Andrew Dean and Hugh Aitkin, garnishees; and finally, that the said judge, in a certain other case, at first refused and delayed, and afterwards granted his fiat for a writ of *saisie revendication*, and this delay appears to your committee to have been one of the efficient causes of the loss of life of one Germain Dionne. This last cause, the number of which is 464, was brought in the said provincial court in November 1828; the deceased Germain Dionne was plaintiff, and William Pickford, defendant.

It appears to your committee that John Robinson Hamilton, esq., advocate, and nephew of the said judge, who is the same person as John R. Hamilton, made and executed on the 8th September in the year 1830, a certain inventory of the moveable and immoveable property belonging to the succession of the late Jean Louis Laurent, whose widow was then married again to one François Langlois; that this document was legally closed by the said judge on the 11th of September of the same year, and that on a petition addressed to the said judge, the said John Robinson Hamilton, esq., who is the same person as Hamilton the attorney of the petitioners, praying that the said inventory might be enregistered, the said judge granted his order accordingly, for the purpose of proceeding to the enregistration thereof. Your committee cannot avoid remarking that the perusal of these documents will convince your honourable House, that the said acts of the said judge are so many irrefragable witnesses of the absolute ignorance in point of legal knowledge, and of the judicial incapacity of the said judge.

The appointment and election of Robert Sherar, esq., curator, legally elected on the 19th of February last, at New Carlisle, in the prothonotary's office of the said provincial court, to James Ferguson Winter, esq., late sheriff of the inferior district of Gaspé, under the pretext that the latter had been absent for some months from the said inferior district, and that he had left the province of Lower Canada, attracted the serious attention of your committee, and they submit to your honourable House as their opinion, that the said judge acted on this occasion in an arbitrary and oppressive manner in his judicial capacity.

Your committee held it to be imperatively their duty to inquire into the causes of the arrest and imprisonment of Patrick Enright. They have found, that on the 7th or 8th of September last, this individual was confined in the common gaol at New Carlisle, under a writ of *capias ad respondendum* issued out of the said provincial court, at the suit of Peter Duval and another, formerly merchants in partnership, on an affidavit made by John Robinson Hamilton, esq., attorney *ad negotia* of the said plaintiffs; that the said Patrick Enright was so confined for the sum of 12 l. 15 s. 9 d., which he alleges that he never owed the said Peter Duval and another. Your committee, without deciding this point, have come to the following conclusions: that the transaction which took place between the said judge and the said Patrick Enright was of a nature to compromise the said judge, inasmuch as the said Honourable John Gawler Thompson, the debtor of Patrick Enright, is the same person as the Honourable John Gawler Thompson, the judge aforesaid; that the circumstances which preceded, accompanied and followed the arrest and imprisonment of the said Patrick Enright, are calculated to excite doubts, fears and violent suspicions injurious to the ends of justice; that under such circumstances, the said judge could not, according to the spirit, nor even according to the letter of the fourth clause of the ordinance of the 25th year of the reign of His late Majesty George the Third, chapter 2, grant his fiat for the issuing of the said writ of *capias* against the said Patrick Enright, and that the said judge, in granting the said fiat, forgot his judicial duty, and violated the enactments of the said ordinance. This clause is intitled, Peter Duval and another, plaintiffs, against Patrick Enright, defendant, and bears the No. 177.

Your committee cannot abstain from submitting to your honourable House, that several grave charges contained in the petition aforesaid, have already been so proved as to leave no doubt of their truth, and that they are of a nature to require even the removal of the said judge

judge; that it is but too certain that His Majesty's subjects in the said inferior district have been exposed to infinite evils, in consequence of the intemperance, the ignorance, and the arbitrary acts of the said Honourable John Gawler Thompson in his judicial capacity; that by reason of the distance between the several localities, and the difficulties presented by the internal communications at the season of the year when the provincial Parliament is usually called together in this country, and in consequence of the necessity of instituting a long and minute inquiry on all the allegations contained in the said petition, for the purpose of applying a proper remedy and removing for ever the evils which have for so long a time pressed upon the inhabitants of the said inferior district, and above all, of insuring full and complete justice to the accuser and the accused, while the said judge shall be prevented from prolonging, during the inquiry, the calamities which have afflicted and still afflict His Majesty's faithful subjects in the said inferior district, the rules of strict justice imperiously require that preliminary means be adopted for the provisional protection of the public liberty against the said judge; and it is therefore the opinion of your committee, that the public good requires that the said judge should be provisionally suspended from the exercise of his judicial functions, until his absolute removal, if justice shall demand it, shall be finally and solemnly determined on.

That your committee have agreed to report to your honourable house the following resolutions which they have adopted, saving to themselves the right of continuing their inquiry, in conformity to the injunction of your honourable house:—

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has been guilty of a contempt of the laws of the country, by evincing repugnance, negligence, and unpardonable indifference to the performance of certain portions of his judicial duty; and that he has, by his general conduct, opposed numerous obstacles to the dispatch of business and to the due administration of justice, to the great detriment of the interests of His Majesty's subjects in the said inferior district of Gaspé.

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has been guilty of a shameful neglect of duty and of malversation in the exercise of his said judicial functions, having, among other things, arrested and impeded the due course of the law, by illegally delaying and refusing his ministry to several of His Majesty's subjects in the said inferior district of Gaspé.

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has in his judicial capacity violated the enactments of the statutes of the province of Lower Canada relating to the jurisdiction and constitution of His Majesty's provincial court of the inferior district of Gaspé, and the rights and privileges inherent to all His Majesty's subjects, and solemnly guaranteed to them by the Bill of Rights; because the said judge, in consequence of his intemperance, has rendered himself incompetent to hold several of the terms of the said provincial court; and because, owing to the same cause, the said judge has only imperfectly held divers other terms of His Majesty's said provincial court of the said inferior district.

Resolved, That it is the opinion of this committee, that the said John Gawler Thompson has, in consequence of his intemperance on the bench and while the court was sitting, been guilty of conduct which renders him unworthy of His Majesty's confidence, and that he cannot hold the office of judge in this province in a manner compatible with the honour of His Majesty's Government and the interests of the people of this country.

Resolved, That it is the opinion of this committee; that an humble address be presented to his Excellency the Governor-in-chief, praying him to use the powers vested in him by his commission for the purpose of provisionally suspending the said Honourable John Gawler Thompson, judge of His Majesty's provincial court of the inferior district of Gaspé, from the exercise of his judicial functions during the continuance of the inquiry on the petition aforesaid, and until the final removal of the said judge may be solemnly awarded by the proper authorities.

The whole nevertheless humbly submitted.

5 March 1836.

J. C. Letourneau, Chairman.

Enclosure, No. 3, to DESPATCH from the Earl of Gosford, dated 6 December 1836.

May it please your Excellency,

Quebec, 31 October 1836.

In obedience to the commands of your Excellency, conveyed to me in the letter of Mr. Secretary Walcott of the 14th May last, directing me to furnish such explanations and defence to the charges advanced against me, accompanying an address of the House of Assembly received by your Excellency on the 16th March last, as it might be in my power to offer, I have the honour to submit to your Excellency, for your consideration, the following statement and explanation.

I would premise, that immediately upon the receipt of Mr. Secretary Walcott's letter I would have lost no time in preparing this statement, if I had not been prevented by the want of important documents, which could only be had at Quebec; and your Excellency having been pleased to convey to me, in Mr. Secretary Walcott's letter of the 22d of August last, in answer to my letter of the 2d of the same month, permission to absent myself from the district of Gaspé at the end of the term then sitting, to facilitate my obtaining these

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documents, I arrived at Quebec on the 21st instant, and have since been diligently employed in enabling myself to comply with the desire of your Excellency.

In common with other judges and public officers of His Majesty, I am assailed by charges founded upon *ex parte* examinations, unchecked by the sanction of an oath, without any opportunity of cross-examining the persons produced against me, or of offering exculpatory evidence, before a body of which my accuser is a member, having the command of the whole of the funds of the province to aid him in his vindictive accusation, and having the choice of whomsoever he pleased as witnesses, if that term can be applied to individuals so selected. Besides these grave inconveniences, I am exposed to others peculiar to my own situation. The judicial duties which I am called upon to discharge are performed at various and widely distant places of a remote district, with a mixed and to a certain extent transient population, having few persons of education to whom I can look for support, and with a bar limited in number and circumscribed in its practice, amongst whose members are found my accuser and his principal coadjutor. The situation of a judge would be unenviable indeed, if not only his office but his honour can be thus jeopardized. In entering, then, upon the explanations required by your Excellency, I beg most respectfully to say, that I do so from duty to your Excellency as the representative of His Majesty in these provinces, and from a sense of what I owe to my own feelings and reputation, without, however, meaning to forego any of those just means of defence which the law assures to all the King's subjects, without distinction of rank or station.

The charges preferred against me are four in number; and, that I may not incur the risk of mis-stating them, I give them in the words of the Assembly. I am accused,

1st. Of having been guilty of a contempt of the laws of the country, by evincing repugnance, negligence and unpardonable indifference to the performance of certain portions of my judicial duty, and of having by my general conduct opposed numerous obstacles to the dispatch of business and to the due administration of justice, to the great detriment of the interests of His Majesty's subjects in the inferior district of Gaspé.

2d. Of having in my judicial capacity been guilty of a shameful neglect of duty and of malversation in the exercise of my judicial functions, having, among other things, arrested and impeded the due course of the law, by illegally delaying and refusing my ministry to several of His Majesty's subjects in the inferior district of Gaspé.

3d. Of having in my judicial capacity violated the enactments of the statutes of the province of Lower Canada relating to the jurisdiction and constitution of His Majesty's provincial court of the inferior district of Gaspé, and the rights and privileges inherent to all His Majesty's subjects, and solemnly guaranteed to them by the Bill of Rights, in having, in consequence of intemperance, rendered myself incompetent to hold several of the terms of the said provincial court, and, owing to the same cause, in having only imperfectly held divers other terms of His Majesty's said provincial court.

4th. That I have, in consequence of my intemperance, on the bench and while the court was sitting, been guilty of conduct which renders me unworthy of His Majesty's confidence, and that I cannot hold the office of judge in this province in a manner compatible with the honour of His Majesty's Government and the interests of the people of this country.

Of the 43 printed pages of examinations taken before the committee, 24 pages are occupied with the examination of Mr. Joseph François Deblois, the accuser of Mr. James Ferguson Winter, who had been sheriff of the district and deprived of his office for misconduct, and of the late Mr. Edouard Thibaudeau, in his lifetime a practitioner at Gaspé and a member of the Assembly. Of the remaining 14 witnesses who speak to facts at all material, some were persons who had been suitors or interested in suits determined in the court at Gaspé, and were dissatisfied with the determination given in their particular causes; others of notoriously bad character, and several of a rank in life not entitling them to credence upon their mere word. The statements of nearly all embrace facts which are alleged to have occurred as far back as the year 1827, and in 1828 received the investigation of his Excellency the Earl of Dalhousie, then Governor-in-chief in these provinces, and from which I stood exculpated by his Excellency after due examination. The charges then made were preferred by two or three persons unknown to me, whose complaints were not supported by any of the practitioners at the bar or officers of the court, including Mr. Joseph François Deblois, the late Mr. Edouard Thibaudeau, and Mr. James Ferguson Winter, the late sheriff of the district. Subsequently to the period when the facts complained of were alleged to have occurred, Mr. Deblois, unsolicited by me, and certainly very unexpectedly, volunteered to write a letter to me expressive of the great satisfaction which he had in seeing me occupy the seat of judge of the district, and apprizing me of the dangers to which that situation was exposed. Mr. Deblois was at this time, and continued for some time afterwards, in respectable practice in the district, and I had no reason, down to a comparatively late period of time, to believe that he was in any way dissatisfied with the manner in which I had discharged my official duties. The introduction of a new competitor for public favour in the profession in the person of Mr. Hamilton, who had previously been returned as a member to the House of Assembly for one of the two counties within the district, and the favourable manner in which he was received as a practitioner, followed by a material diminution approaching to a total loss of Mr. Deblois's practice, seem to have excited sentiments in the breast of Mr. Deblois, which were soon converted into personal hostility towards myself. Down to the time that Mr. Deblois, as member of the Assembly, preferred the present complaints against me, I had no reason to believe that the late Mr. Edouard Thibaudeau was dissatisfied with my judicial conduct. In a petition presented by him to the Assembly, and dated the 19th of October 1829, purporting to contain a statement of all the grievances

of

Accompanying
Document (B.)

Letter dated at New
Carlisle, 27 April
1828, Document
(B.)

Accompanying
Document (C.)

Correspondence
respecting
Mr. Thompson.

Accompanying
Document (D.)

Accompanying
Document (B.)

of the district, no complaint is made against me. Mr. James Ferguson Winter, the third person abovenamed, also an officer of my court, had conducted himself with so much impropriety, that in consequence of representations proceeding from various sources, his Excellency Lord Aylmer, whilst Governor-in-chief over these provinces, dismissed him from his office as sheriff of the district; and it is from the epoch of these complaints, and of the report which I was officially required to make upon them, that his hostility dates. Previous thereto he had, in 1828, in the most formal manner, contradicted the rumours prejudicial to my character, which are now renewed, and affixed his signature to an address establishing the contrary. It is no small aggravation of the hardship of the main charge, that it should have proceeded from or be supported by two individuals of the habits of the late Mr. Edouard Thibaudeau and Mr. James Ferguson Winter, the unfortunate passion of the former of whom for spirituous liquors has, I regret to say, led to a premature death, and the latter of whom is altogether lost to society, and reduced to the lowest state of degradation, by habitual and unrestrained drunkenness.

The two first of the foregoing charges, in vague and general terms, accuse me of opposing numerous obstacles to the dispatch of business, and to the administration of justice, and of having impeded the due course of law, by illegally delaying and refusing my ministry to several of His Majesty's subjects in the district. There is no specification contained in the charges, and I am left to gather from the report of the committee the facts upon which these charges are predicated.

It is made a subject of complaint against me in the report, that ever since my residence in the district, I have been in the habit of proceeding to the several places where the courts of justice are held only the day before the opening of the terms of the courts, and of going away again immediately after the last sitting of the court, and that this has been the case at almost every term.

Judges upon circuit are generally considered to have discharged their duty if they are present at the times fixed by law for the circuits, and then perform the duties which the law imposes upon them. I am not aware that my presence at other times previous or subsequent to the periods fixed for the circuits was required, or would be useful. Previous to the opening of the court and receiving the returns, no judicial act can be done by me. Time for ministerial acts is afforded during the 10 days of the sitting of the court. At its termination my judicial duties end, and the parties receive from the prothonotary, after the period limited by law, execution upon the judgments rendered. If, after having discharged my duty at the place fixed for one of the sittings of the court, I had delayed my departure for the next place of sittings, I must have incurred the risk of being too late for the second or other circuit court, and might have subjected myself to just blame.

The inconveniences stated by Mr. Thibaudeau and Mr. Deblois to arise from my not remaining longer at the places where the different circuits are held, relate to the issuing of writs of summons, of writs of *saisie* before judgment, and of writs of execution after judgment. Now, the place where the office of the prothonotary is held, the records of the court kept, and where the officers of the court and attorneys reside, is New Carlisle, within five miles of which place I myself reside. The spirit which dictated these accusations may be judged of from its being made a subject of accusation against me, that after the expiration of the 10 days of the sitting of the court, I did not remain some indefinite period to issue writs, which in the usual course and practice of the court are regularly sued out at New Carlisle. As no complaint could be, so none was ever made to me on this head.

A like spirit has dictated the next subject of complaint in the report, which is, that my place of residence is five miles from the courthouse in New Carlisle. The report conveyed to me the first intimation that any inconvenience was supposed to have arisen to the practitioners or suitors from the situation of my place of residence. In a country so new, five miles are comparatively a very short distance, and the range of selection of places of residence is extremely limited. My immediate predecessor, the late Honourable Mr. Caron, during the time that he filled the situation of judge of the district, occupied a house in the immediate neighbourhood of and a little beyond that which I have occupied. His predecessor, the late Judge Crawford, resided also out of New Carlisle, and at a distance of about three miles from it. I have, besides, a stated day of attendance at the courthouse in New Carlisle, for the ordinary chamber business. The number of writs of *capias* or attachment issued out of the court at New Carlisle in the year is not considerable; and I have no reason to believe that the distance of my residence has produced any inconvenience to suitors in this respect.

The next ground of complaint in the report is alleged repugnance to and neglect of my judicial duties in the dispatch of business commonly done at chambers. This charge is met by an unqualified denegation.

The committee complain also, that during my residence in the district I have frequently left the seat of jurisdiction for the purpose of coming to Quebec, a distance of about 180 leagues from the town of New Carlisle, whereby creditors were subjected to the loss of their legal recourse against their debtors; and that in one case among others, that of William Carter, plaintiff, against Timothy Lefforgie, defendant (No. 375), the consequence had been a very considerable loss to the plaintiff.

Like my predecessors, I have occasionally visited Quebec upon my necessary business. In no instance have I done so without the approval of the head of the government for the time being. I am not aware of any inconvenience having arisen therefrom to private suitors. The only case specified in the report of the committee is the abovementioned case of Carter against Lefforgie. In this case Mr. Deblois was the attorney for the plaintiff, and the alleged

Accompanying
Document (E.)

Accompanying
Document (A.),
No. 13.

facts relating to this case rest upon his own statements, which I am constrained to say are untrue. I beg to refer to the affidavit of his client, Mr. Carter, herewith submitted, as establishing, that in this, as in other instances, Mr. Deblois misled the committee as to matters of fact, and that I am entirely innocent of the offence with which he charges me. I may add, that if inconvenience had arisen from my absence, however much I might feel for the party suffering from inconvenience, the absence which might have given occasion to it, being with permission from the proper authority, could not be considered a culpable dereliction of duty on my part.

The committee next specify, as an act of official misconduct on my part, my refusal, in the beginning of October 1827, of a fiat for a writ of *capias* in an action brought by Pierre Aubin against Pierre Duval. My refusal in the first instance, and the granting after some delay, in the month of July 1828, when the plaintiff had virtually lost his recourse against his debtors, of a fiat for writs of *arrêt simple* and *saisie arrêt*, in a cause wherein Robert Ferguson was plaintiff and Robert Pitt and others were defendants, and Andrew Dean and another, garnishees; and, lastly, my refusing and delaying, but afterwards granting, in the month of November 1828, my fiat for a writ of revendication in a suit wherein the late Germain Diorme was plaintiff, and William Pickford defendant.

In the first of these cases, the affidavit presented to me by Mr. Deblois's client, Pierre Aubin, did not appear to me to be in law sufficient to entitle him to a *capias*. According to my recollection of this case, the claim set up by Pierre Aubin was in damages for a trespass committed by Pierre Duval, in seizing and selling goods belonging to Pierre Aubin, under colour of a judgment rendered in Jersey or Guernsey in favour of the former against the latter. The statute authorizing the arrest of the person by *mesne process* only in cases of debt, I did not feel myself authorized to grant the *capias*, and accordingly refused it.

Accompanying
Document (A.),
No. 14.

The facts alleged to have occurred in the case of Ferguson against Pitt and others, as stated by Mr. Deblois, Mr. Winter and Mr. Thibaudeau, have no foundation in truth; and here again I have it in my power to rebut the assertions of Mr. Deblois by the affidavit of Mr. Ferguson, the gentleman who employed him in that case, transmitted herewith.

In the last case, of Diorme against Pickford, I declined, in the first instance, signing the fiat, under an impression, from what was stated to me by the party applying for the writ, that the timber which he was desirous of seizing had been worked up, and formed part of a ship building for the defendant. Upon subsequent explanation received from Mr. Deblois, the plaintiff's attorney, I granted the fiat.

These constitute all the acts which the diligence of the accuser has been able to specify, as supporting the first and second charges. Out of the multitude of causes brought before me during a period of nine years that I filled the situation of judge of the district of Gaspé, I may perhaps be permitted to offer, as presumptive evidence of attention on my part to my official duties, that so small a number of cases have even been brought into question by my accuser, who had such abundant means of detecting and specifying irregularities, if they had existed. But I trust it will be found that my innocence of these charges does not rest upon a mere presumption, and that I have shown that, in the instances specified in the report, I am wholly free from blame.

Over and above the matters contained in the charges, there are in the report complaints which I should be justified in passing over in silence; but in justice to my own feelings I cannot do so. They are,

1st. The closing and order for enregistration of the inventory of the widow of one Jean Louis Laurent.

2d. The appointment by me of a curator to James Ferguson Winter as an absentee. And,

3d. My having given a draft on the cashier of the Quebec Bank, payable to Patrick Enright or bearer, on the 10th of October 1834, which was not paid.

As to the first of these complaints, I would observe that, in a district circumstanced as Gaspé is, it is not easy for the inhabitants to cause inventories to be made, when required by the law of this country, in the form in which that law enjoins. I have never felt myself at liberty to refuse the closing and enregistration of inventories produced by the survivor of married parties, in whatever form the inventory might be made, the party enregistering the inventory at his or her own peril; and even where the inventory was insufficient for certain legal purposes, such as that of determining the community, it might and usually would form an important piece of evidence in the liquidating and settling the respective claims of the heirs of the deceased husband or wife and the survivor. So far then from taking blame to myself for this proceeding, I conceive that I should have been highly culpable if I had acted otherwise than in the manner I have done; yet my acts in relation to this inventory are referred to by the committee as "so many irrefragable witnesses of the absolute ignorance in point of legal knowledge, and of the judicial incapacity of the judge of the district of Gaspé."

Then as to the appointment of a curator to James Ferguson Winter. On the 18th February 1835, a petition was presented to me, praying that a curator might be appointed to the estate of James Ferguson Winter, as an absentee, by one of his creditors. This petition was accompanied by an affidavit on the part of one Daniel Marrett and one John Marrett, stating that it was to their knowledge that the said James Ferguson Winter had left the district about 18 months before the making of the affidavit, and that he had since left the province of Lower Canada. Upon this petition and affidavit, I could not do otherwise than give the usual order for calling together the friends of the party, to give their advice as to the election of a curator, and upon their subsequently appearing before me on the 19th of the same month

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month of February pursuant to this order, and electing Robert Sherar as curator, I confirmed the appointment as the law required. It appears by affidavits subjoined to the report of the committee, of various individuals resident at Quebec, and taken in the following months of April and May, that at the time when the curator was so appointed, he, James Ferguson Winter, was living at a tavern in Quebec. But this was a fact of which I had no judicial nor even personal conusance at the time when the appointment was made.

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Mr. Thompson.

There has been introduced into the report a private transaction altogether unconnected with my official duties, relating to a draft drawn by me, in favour of one Patrick Enright, upon the cashier of the Quebec Bank. Since the year 1832 Mr. Freer, the cashier of that bank, has held a power of attorney to receive my salary from Government. Expecting that Mr. Freer would receive the amount of my warrant on the 10th October 1834, I made the draft in question in June, payable on the 10th October of that year, on the faith of the Government warrant to issue in my favour. I was justified in this expectation by a paragraph in the Quebec Gazette, of Mr. Neilson, of the 16th April 1834. However much I do regret the inconvenience to which Mr. Enright was put by the nonpayment of this draft at maturity, it arose from circumstances over which I could exercise no control, and is but one of the many remote mischiefs suffered by innocent persons from the nonpayment of public officers. The draft in question was given by me to accommodate my landlord, and to be applied to the payment of rent which had accrued, and was to accrue, my landlord owing this sum to Patrick Enright. The statements made by Patrick Enright as to what occurred between him and myself at my house after his return to Gaspé, are altogether incorrect, though I am willing to believe that they proceed from the misconceptions of an uneducated and suspicious mind. With respect to his subsequent arrest at the suit of one Peter Duval, I could not in any manner interfere with it otherwise than by advancing money to satisfy the claim, the justice of which Patrick Enright denied, and which in my dearth of money it would not have been in my power to do. It is painful to be obliged to enter into details so purely personal as these, but I have felt it my duty to leave no part of the report, however irrelevant, unanswered.

Accompanying
Document (F.)

In the two last charges of the Assembly, I am accused of habits of intemperance, which rendered me incompetent to hold several of the terms of the court, and made me hold divers other terms imperfectly, and of having, in consequence of intemperance, on the bench and while the court was sitting, been guilty of improper conduct.

On a charge so general as this, covering a period of upwards of nine years, and embracing every portion of my life, public and private, during that time, unscrupulous accusers have many advantages, and it becomes necessary to examine and weigh the character and credit of the persons by whom the accusation is supported.

It is in relation to this charge that the statements of Mr. Deblois, of the late Mr. Thibau-
deau, and of Mr. James Ferguson Winter, and the credit due to those persons, are required to be particularly considered. The statements of these gentlemen apply, in the first instance, to the alleged acts of intemperance in the year 1827, and to the failure of the sittings of the court in consequence thereof. Now, in the month of April 1828, Mr. Deblois wrote to me the letter of compliment and civility already adverted to. Mr. James Ferguson Winter, about the same time, upon occasion of some secret complaints having been made against me to the Earl of Dalhousie, took an active part in defending my character and conduct, in a petition signed by himself and by about 140 of respectable inhabitants of the district. It has already been stated that Mr. Thibau-
deau, in the petition bearing date the 29th October 1829, pur-
porting to contain all the grievances of the district, had not felt himself authorized to intro-
duce any complaints against me. It is thus that these individuals have raked up and given new currency to calumnies which they had themselves, from a mere sense of justice, on a previous occasion discountenanced and contributed to put down. The accusatorial spirit which pervades the examination of these gentlemen cannot be overlooked; but the opinions recorded by two of them in 1828, so soon after the facts complained of are alleged to have occurred, must render innocuous the contradictory statements now put forward by them. As to Mr. Deblois, it is further to be observed, that at a later period he was actively employed in attempting to obtain signatures against me, praying for my removal, frequently saying, that if he could obtain my removal, he would succeed to my office; that he, my accuser, was one of the members of the committee by whom this report was made, and that a great part of the evidence and report was written by him. I have already had it in my power to show that the statements of Mr. Deblois were untrue in other particulars, and as to facts where his mis-statements must have been wilful. He can, therefore, be entitled to but little credence when speaking as to my general character and conduct.

Accompanying
Document (B.)

Ibid.

Accompanying
Document (C.)

Affidavit of Joseph
Bert, Document
(A.), No. 15.

If the object of the accuser had been to obtain the truth, he would have caused to come before the committee men of character having a stake in the country, magistrates and others, whose statements could be depended upon; he would have abstained from taking the examinations of low and illiterate persons, still less of any one of notoriously bad character; he would have placed upon the files of the committee the examinations of those who were favourable to me, as well as those who were otherwise. To witnesses of undoubted honour and respectability he would have put questions to bring out all the material facts to which they could speak, and would have been careful that there should be no suppression of facts tending to my justification. How far the accuser has observed this course will appear from a succinct review of the examinations upon which the report and charges are founded.

The first person produced by Mr. Deblois is Mr. Nicholas Boucher. Passing over the alleged rumours of intemperance on my part, which were circulated by Mr. Deblois himself, the fact which he was called upon to establish is, that though I came to Percé in 1827, no

Affidavit of Jacques
Lamy, (A.), No. 18.

Affidavit of Amasa Bebee, (A.), No. 1.

Accompanying Document (A.), No. 26.

Accompanying Document (G.)

Affidavit of Charles Marie Labillois, (A.), No. 12.

Affidavit of James Meagher, accompanying Document (A.), No. 16.

Accompanying Document (A.), No. 26.

Affidavit of Daniel Marett, (A.), No. 25.

Affidavits of Jacques Lamy, No. 18, Farquhar M^r Rae, No. 19, and Charles Poirrier, No. 26.

court was held there at that time. Mr. Boucher had learned that I, finding myself unwell, had returned to Paspébiac, in the schooner *La Reine*, Charles Poirrier, master. Now, Mr. Deblois knew that I left Percé on the second day of the term, unwell, and that there were no writs returnable before the court. This was the first circuit after my appointment, and the prothonotary, not knowing my christian name, could not fill up the *teste* of the writs; in consequence of which the attornies, amongst these Mr. Deblois himself, requested the returns to be made at Douglas Town, which was accordingly done. The report of my having been intoxicated in going on board this vessel ought not to have been inserted in the examination of Mr. Boucher, as my character was thus implicated by mere hearsay. Mr. Deblois must have known that this was not evidence; but not only were statements received against me which were inadmissible, but the examination before the committee of Mr. Charles Poirrier, proving the falsehood of these rumours, was most unwarrantably suppressed. None of the other persons on board the vessel were produced or examined before the committee. If they had been so, the falsity of this rumour would have been apparent.

Mr. Henry Bisset Johnston, the second witness, is, I have reason to believe, one of the two or three persons who, in 1827, secretly preferred complaints against me at the civil secretary's office. So far as these complaints relate to 1827, he here repeats them, but is constrained to admit, "that since the year 1828 inclusively he had occasion to be present during the different terms of the provincial court in the county of Gaspé, and did not see the judge under the influence of drink, either during the sitting of the court or out of court."

John Bissin, mariner, is the third individual produced before the committee. He was the mate of a vessel stranded in Malbay in the autumn of 1834, and brought his action against the master, in the provincial court for the district of Gaspé, for the recovery of wages as mate of that vessel. Amongst other grounds, his claim was resisted on the ground of habitual drunkenness and general misconduct. His action having been dismissed by me, he is considered a fit person to pass in judgment upon the character and conduct of the judge of the district of Gaspé.

Nicholas Allard is examined as to my conduct at Carleton in July 1832. I had at this time just returned from Quebec, where the cholera was raging, and was under treatment for what I considered premonitory symptoms of that disorder. I do not mean to conceal that, after leaving Quebec, and during the circuit, I considered myself in great danger; but I deny altogether the character which this individual is made to give to my appearance and conduct at Carleton. This individual again is not in a walk of life entitling him to any credit in a matter of this kind. The credit due to his statements may be tested by the fact, that upon his being spoken to about the singular evidence which he had given, he said, "On n'était pas sous serment là."

If the committee had been desirous of obtaining correct information concerning my habits, they would have availed themselves of the opportunity afforded by the examination of George Mellin Douglas, esq., physician, who attended me and my family professionally during his residence in the county of Bonaventure, to ascertain with certainty the truth or falsehood of the rumours against me which the committee have treated as evidence. Though this gentleman is examined as to some immaterial facts, and though he states that he was my physician, yet none of the members of the committee ventured to put any questions to him respecting my habits as to temperance; or if any such question was put, the answer, as in the case of Mr. Poirrier, must have been suppressed.

The next individual examined was Mr. Patrick Enright, whose statements apply particularly to a private transaction already referred to.

Mr. Germain Durand seems to have been examined with a view of showing that the preferring of the petition of Mr. Deblois against me must have come to my knowledge in the month of December last.

Pierre Thebierge, mariner, Etienne Lebreux, joiner, a notorious drunkard, and Louis Boulet, another mariner, are produced to establish partiality on my part towards Mr. Hamilton, rumours of intemperance, actual intemperance, and unfitness for the judicial situation; and these examinations are followed by that of Mr. John Green, who is examined to the same points, and who is proved to be a man totally destitute of character, and not worthy of belief upon his oath. These examinations, with the examinations of Messrs. Deblois, Thiбаudeau and Winter, form the whole body of evidence, if it can be so called, upon which these charges rest.

I entreat your Excellency's attention to the character of the persons by whom these calumnies may have been originally propagated, and were supported before the committee of the Assembly. The magistracy of the district, the clergy, the principal merchants, the large landholders, are passed over. A confederacy of two or three persons, to effect my ruin, command the public funds through the House of Assembly; my accuser sits on the committee to whom his own petition is referred, conducts the examinations, and writes the report, which is printed at the public expense, and widely circulated throughout the district within which I reside, and through the province generally, before any opportunity is afforded me of counteracting in any way its poisonous effect.

I might have satisfied myself with a bare denegation of charges, resting upon a foundation like the above; but where my character is so essentially and so unjustly assailed, and this so artfully as to obtain and receive the countenance of the Assembly, I must go one step further, and establish, upon the oaths of respectable and honourable men, the utter falsehood of the charges against me.

I beg

I beg leave, therefore, to submit to your Excellency the affidavits of the following gentlemen:

Accompanying Documents (A.)

Amasa Bebee, esq., of New Carlisle, Prothonotary.
 Thomas Busteed, esq., justice of the peace, Ristigouche.
 François Ahier, esq., justice of the peace, St. George's Cove.
 James Rooney, esq., justice of the peace, Percé.
 Reverend William Arnold, missionary for Gaspé.
 Edmund Flynn, esq., justice of the peace, Percé.
 John Fauvelle, esq., agent for Charles Robin & Co., Percé.
 Martin Sheppard, esq., sheriff, New Carlisle.
 David Le Boutillier, clerk to Charles Robin & Co., Bonaventure.
 Joseph Stowe Tuzo, of L'Ance au Beaufils, Gaspé.
 Henry O'Hara, esq., sub-collector of His Majesty's Customs, New Carlisle.
 Charles Marie Labillois, esq., surgeon, Megouacha.
 William Carter, esq., justice of the peace, Port Daniel.
 Robert Ferguson, esq., justice of the peace, Ristigouche.
 Joseph Bert, farmer, Bonaventure.
 Joseph Magher, esq., justice of the peace, Carleton.
 Hugh Aitkin, esq., justice of the peace, Ristigouche.
 Joseph Lamy, Paspébiac.
 Farquhar M^rRae, esq., justice of the peace, Grand Voyer, Hopetown.
 Charles Verdon, esq., justice of the peace, Malbay.
 George Matthew, clerk to Charles Robin & Co., Bonaventure Island.
 Peter Duval, esq., justice of the peace, Bonaventure Island.
 John Hardeley, esq., of Paspébiac.
 John R. Hamilton, esq., advocate, New Carlisle.
 Daniel Marett, master carpenter, New Carlisle.
 Charles Poirrier, mariner, Bonaventure.

To these is to be added the expression of public confidence, contained in the address to me by the inhabitants of Gaspé, on the occasion of the reports made to his Excellency the Earl of Dalhousie in 1827, and the counter-petition to the Assembly, dated the 2d January 1836, signed by several hundred inhabitants of the district.

Accompanying Document (B.)
 Accompanying Document (H.)

In the fullest reliance on the justice of your Excellency,

I have, &c.
 (signed) Jno. G. Thompson.

(A)

— No. 1. —

Amasa Bebee, esq., one of His Majesty's joint prothonotaries for the district of Gaspé, maketh oath and saith, that he has been prothonotary of the provincial court for the inferior district of Gaspé for upwards of 20 years; that in such capacity he has constantly attended the said court, never having been absent during term-time for one half-hour; deponent further saith, that from the arrival of Mr. Justice Thompson in this district, in the year 1827, up to this date, the said judge hath regularly attended the courts in the several parts of the said district, to the general satisfaction of the inhabitants of the district; deponent further saith, that in the year 1827, at Percé, there being no business before the court after the first day of the term, the said judge did not remain the whole term, he not being in a state of health to permit his presiding at the court; and at the request of Joseph François Deblois, esq., and the other attorneys of said court, the court was not held during the whole term. Deponent further saith, that Mr. Justice Thompson, during the whole time he has been in the district, has conducted himself with sobriety, and any allegation, statement or accusation of his being under the influence of spirituous liquors on the bench, or in court, is false.

Deponent further saith, that Mr. Justice Thompson, both in his public and private character, is highly esteemed and respected, and the inhabitants of the district of Gaspé have the most entire confidence in the said provincial judge, whose integrity has never been questioned, except by a few individuals of no character.

A. Bebee.

Sworn before me at New Carlisle the 6th day of June 1836,

H. O'Hara, J. P.

— No. 2. —

Province of Lower Canada, Inferior District of Gaspé.

PERSONALLY came and appeared before me, Amasa Bebee, esq., commissioner for receiving affidavits in the district of Gaspé, Thomas Busteed, of Ristigouche, at present at Carleton,

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both in the county of Bonaventure, in the said district of Gaspé, one of His Majesty's justices of the peace for the said district, who being duly sworn upon the Holy Evangelists, doth depose and say, that he has known and been acquainted with the Honourable John Gawler Thompson, judge of His Majesty's provincial court for the said district, since the year 1827, and since his acquaintance with the said judge has always found the conduct of that public functionary guided by the strictest morality, sobriety and impartiality in the discharge of his official duties, and has never at any time known or perceived that the said judge was intemperate in his habits, or vindictive, arbitrary or partial in his judicial decisions; but, on the contrary, this deponent places the utmost reliance in the justice, integrity and impartiality of the said judge.

That far from the character and judicial knowledge of the said judge not being in estimation in this district, he possesses the confidence and approval of the far greater proportion of the intelligent and respectable portion of the inhabitants of this district.

That having had frequent opportunities of being in His Majesty's provincial court while the said judge presided therein, this deponent can state with confidence, that he never saw the said judge then or at any time since affected from the use of ardent spirits; and had such been the case, his conduct would have shown the effects of his indulgence; but, on the contrary, the conduct of the said judge has always, to this deponent's knowledge, been guided by the strictest propriety.

That from an attentive perusal of the evidence taken before the House of Assembly of this province in its last session respecting the said judge, this deponent feels no hesitation in believing, and firmly believes, that evidence destitute of foundation, and originating from malice, vindictiveness and envy; and further the deponent saith not.

Thos. Busted.

Sworn at Carleton this 6th day of July 1836, before me,

A. Bebee, Commissioner.

— (No. 3.) —

Province of Lower Canada, District of Gaspé.

PERSONALLY came and appeared before me, Amasa Bebee, esq., one of the commissioners appointed to receive affidavits for this district, François Ahier, esq., one of His Majesty's justices of the peace for the said district, who, being duly sworn upon the Holy Evangelists, maketh oath and saith,

That he is personally acquainted with Mr. Thompson, judge of His Majesty's provincial court for the district of Gaspé, and has been acquainted with the said judge since his arrival in the year 1827; and this deponent further saith, that from that period to this day he has attended the several courts held at Percé and Douglas Town, and has never noticed that the said judge was under the influence of spirituous liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case. And this deponent further saith, that had the conduct of Judge Thompson been such as attempted to be represented before the House of Assembly, he must have most certainly observed it; and this deponent further saith, that from his personal knowledge and acquaintance with the habits and character of the said judge, he is perfectly convinced that the accusations brought by Mr. Deblois before the Assembly of Lower Canada, are false and without foundation.

And this deponent lastly saith, that the said judge is esteemed and respected by the inhabitants of the district of Gaspé, who have the most entire confidence in the said judge, and in the decisions of the said provincial court.

Francis Ahier, J. P.

Sworn before me at Douglas Town this 16th day of August 1836,

A. Bebee, Commissioner.

— No. 4. —

Province of Lower Canada, District of Gaspé.

James Rooney, esq., of Percé in the county of Gaspé, in the district and province aforesaid, one of His Majesty's justices of the peace for the said district, being duly sworn, maketh oath and saith, that he has known Mr. Justice Thompson for upwards of nine years, to wit, since the year 1827, the year Judge Thompson first arrived as judge of the said district; that this deponent was a passenger with Judge Thompson that year, on his way from Douglas Town to Percé; that the circumstances stated in Mr. Henry Bisset Johnston's examination before the committee of grievances of the House of Assembly, did not take place, nor was Judge Thompson on that occasion under the influence of spirituous liquors; and this deponent further saith, that he has attended the courts held in the county of Gaspé, to wit, at Percé and Douglas Town, every term since Judge Thompson has been in this district, and that far from Judge Thompson being under the influence of spirituous liquors, he, this deponent, never suspected that he was intemperate until Mr. Deblois's petition to the House of Assembly gave rise to such a report.

And

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And this deponent lastly saith, that Judge Thompson is generally respected throughout this district, and that his conduct as judge of the provincial court has never been questioned until Mr. Deblois's petition to the House of Assembly first charged him with crimes and misdemeanors unknown to the inhabitants of this district.

Correspondence
respecting
Mr. Thompson.

James Rooney.

Sworn at Percé this 19th day of August 1836, before me,

A. Bebee,
Commissioner for taking Affidavits.

— No. 5. —

Province of Lower Canada, District of Gaspé.

PERSONALLY came and appeared before me, Amasa Bebee, esq., one of the commissioners appointed to receive affidavits in the said district, the Rev. William Arnold, missionary for the county of Gaspé, in the said district, who, being duly sworn, deposeth and saith, that he has resided in the said district as missionary as aforesaid since 1826, and has been personally acquainted with Mr. Thompson, provincial judge of the said district, from the day of his arrival in this district to the present moment; that he was in the habit of frequenting Judge Thompson's house almost daily, and at all hours, from that period to the fall of 1828, and has had frequent intercourse with the said judge from said last-mentioned year to this day; this deponent further saith, that during the whole of the period aforesaid he never saw Judge Thompson under the influence of spirituous liquors, nor did he suspect him of intemperate habits until Mr. Deblois's petition to the House of Assembly of Lower Canada first charged him with it, together with other misconduct. This deponent further saith, that the character of Judge Thompson has always appeared to this deponent, as well on the bench as in private life, to be unexceptionable, and his habits gentlemanly and free from intemperance; this deponent further saith, that he has read the report of and the evidence taken before the committee of grievances of the House of Assembly, as published by their order, and the facts therein stated appear to this deponent to be grounded on malice and envy; this deponent, from his long acquaintance with the said judge, must have noticed such conduct on his part, had it ever taken place. Deponent further saith, that he has frequently attended the courts at Douglas Town, and the other parts of the district, and the accusations of partiality and want of dignity in his deportment, brought by the said Joseph François Deblois against the said judge, are, from the personal observations of this deponent, without foundation and untrue, and the inhabitants of the district entertain the most entire confidence in the decisions of the provincial court.

Wm. Arnold,
Missionary for the County of Gaspé.

Sworn before me this 24th of August 1836,

A. Bebee,
Commissioner for taking Affidavits.

— No. 6. —

Edmund Flynn, of Percé, in the county and district of Gaspé, coast officer of His Majesty's customs for the said district, being duly sworn, deposeth and saith, that he is personally acquainted with Mr. Thompson, judge of the provincial court for the said district, and has been acquainted with the said judge ever since his arrival in the said district; that the said judge resided in the house with this deponent the three first years that he was in the district whilst on the circuit at Percé; that this deponent hath attended the sittings of the provincial court at Percé most every day from the time that the said judge arrived in the district, and that he hath never noticed the said judge to be under the influence of spirituous liquors in court, and had the said judge been in such a state this deponent must most certainly have noticed and known it. Deponent further saith, that he firmly believes, and is certain, from his own personal observation, that that part of the evidence taken before the committee of the House of Assembly of Lower Canada which accuses the said judge of being under the influence of spirituous liquors during the sitting of the court at Percé is malicious and false.

Edmund Flynn.

Sworn before me at Percé the 27th August 1836,

Peter Duval, J. P.

Correspondence
respecting
Mr. Thompson.

— No. 7. —

Province of Lower Canada, Inferior District of Gaspé.

PERSONALLY came and appeared before me, Peter Duval, esq., one of the justices of the peace for the said district, John Fauvel, of Percé, in the county of Gaspé and district aforesaid, agent at Percé aforesaid, of the house of Messrs. Charles Robin & Co., who, being duly sworn, maketh oath and saith, that he has known Mr. Justice Thompson, judge of the provincial court of the said district since the year 1827, the year Judge Thompson first arrived as judge of the said district; and this deponent further saith, that from that period to this day he never saw Judge Thompson under the influence of wine or other liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case; and this deponent further saith, that had Judge Thompson's habits been intemperate, he must have perceived it, from the frequent opportunities he had of seeing him; and this deponent further saith, that he has read the report of the committee of grievances of the House of Assembly, and the evidence in support thereof, as printed and published by order of that House; that the facts stated in the evidence alluded to as criminating the character of Judge Thompson are false and without foundation; and this deponent lastly saith, that Judge Thompson is highly respected and esteemed by the inhabitants of the district of Gaspé, and that the charges brought against him by Mr. Deblois are founded either in malice or from interested motives.

John Fauvel.

Sworn at Percé this 12th day of September 1836, before me,
Peter Duval, J. P.

— No. 8. —

Martin Sheppard, esq., of New Carlisle, in the county of Bonaventure, and district of Gaspé, sheriff of the said district, being duly sworn, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of His Majesty's provincial court for the district of Gaspé, and hath been acquainted with the said judge from the time of his arrival in the said district in the year 1827. Deponent further saith, that from that period he hath attended the several circuits in the said district, with the exception of the Carleton term of 1832, and hath never noticed that the said judge had been under the influence of spirituous liquors whilst on the bench; this deponent must have noticed such conduct had it ever taken place. Deponent further saith, that he has seen the evidence before the committee of the Assembly of Lower Canada, and is perfectly convinced, from personal observation, that that part of the same which accuses the said judge of intemperance on the bench and during the sitting of the court, and of partiality, is without foundation and false, as he, this deponent, must have seen the said judge in the said state of intemperance whilst on the bench, had he ever been in such a situation. Deponent further saith, that he verily believes that the accusation brought by Joseph François Deblois, esq., against the said judge is brought from vindictive motives, inasmuch as the said Joseph François Deblois has lost his practice before the said provincial court, and attributes the said loss to John R. Hamilton, esq., one of the advocates residing in the said district being a relation of the said judge's.

Deponent further saith, that John R. Hamilton, esq., advocate, whilst at Percé, in the years 1834-35, occupied a small room in the court-hall, unoccupied by any of the officers of the court, which said room was occupied in 1836 by William Day, deputy sheriff, and that the said judge never made use of the said room as a judge's chambers, he always making use of the room in which he resided whilst at Percé for such purposes.

Deponent further saith, that he has frequently travelled at the circuit with the said judge, and were he the intemperate character he is represented by Joseph François Deblois, he must have noticed the same.

M. Sheppard.

Sworn at New Carlisle this 20th day of September 1836, before me,
H. O'Hara, J. P.

— No. 9. —

Province of Lower Canada, District of Gaspé.

David Le Boutillier, gentleman, of Paspébiac, in the county of Bonaventure, in the district and province aforesaid, clerk of the house of Messrs. Charles Robin & Co., being duly sworn, deposeseth and saith, that he came to the district of Gaspé aforesaid in 1827, where he has resided up to the present time; that he has known the Honourable Mr. Justice Thompson, judge of the provincial court of this district since his arrival in June of the same year; that, in consequence of the difficulty of procuring a comfortable dwelling, the said judge occupied a house belonging to the said Messrs. Charles Robin & Co. until the month of October of the same year, the said house being the winter residence of the persons in the employ

employ of the said Messrs. Charles Robin & Co., and being required by them, the said judge was compelled to rent uncomfortable and inconvenient lodgings until the house where he now resides in was completed, owned by Mr. James Lamy, who has often expressed his satisfaction to this deponent at having leased it to Judge Thompson, as no other person in the district would have given an equal rent for it; the rent of houses in the neighbourhood does not exceed 25 *l.* per annum.

And this deponent further saith, that from the arrival of Judge Thompson to this day he never saw Judge Thompson under the influence of liquor, either during the sitting of the court or out of court, nor did this deponent suspect that such was the case; and this deponent further saith, that having had frequent opportunities of meeting Judge Thompson, as well in public as in private, it must have come within his notice if the said judge had been addicted to habits of intemperance.

And this deponent further saith, that the charges brought on against Judge Thompson are false and malicious, the said judge being universally esteemed and respected by the inhabitants of this district.

David Le Boutillier.

Sworn before me at New Carlisle this 30th day of September 1836,

H. O'Hara, J. P.

— No. 10. —

Province of Lower Canada, Inferior District of Gaspé.

PERSONALLY came and appeared before me, Josiah Cass, jun., esq., one of the justices of the peace for the said district, Joseph Stowe Tuzo, gentleman, of L'Ance au Beaufils, in the county of Gaspé and district aforesaid, who, being duly sworn, maketh oath and saith, that he has known Justice Thompson, judge of the provincial court of the said district, since the year 1828; and the deponent further saith, that from that period to this day he never saw Judge Thompson under the influence of wine or other liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case until the proceeding of the House of Assembly upon Mr. Deblois's petition became public through the newspapers; and the deponent further saith, that had Judge Thompson's habits been intemperate, he must have perceived it, from the frequent opportunities he had of seeing him; and the deponent further saith, that Judge Thompson is highly respected and esteemed by the inhabitants of the district of Gaspé, and that the charges brought against him by Mr. Deblois are founded either in malice or from interested motives.

Joseph S. Tuzo.

Sworn at Cape Cove this 26th day September 1836,

Josiah Cass, J. P.

— No. 11. —

Henry O'Hara, esq., of New Carlisle, in the county of Bonaventure, in the district of Gaspé, sub-collector of His Majesty's customs for the county of Bonaventure, and justice of the peace for the said district, being duly sworn upon the Holy Evangelists, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of the said district, and hath been on terms of intimacy with the said judge for upwards of 30 years. Deponent further saith, that he hath frequently attended the several terms of the provincial court held in the several parts of the district ever since the arrival of the said judge, and he hath never noticed that the said judge had been under the influence of spirituous liquors or wine, whether on the bench or at any other place; had such been the case this deponent must have noticed the same; on the contrary, this deponent hath always observed the said judge to maintain the decorum and close attention to the business before the court which his duty required. Deponent further saith, that he has seen the major part of the evidence taken by the committee of grievances of the Assembly of Lower Canada, on the petition of Joseph François Deblois, one of the members of the said committee, and this deponent truly believes that the charge of partiality is unfounded, and that of intemperance is false. Deponent further saith, that he never even suspected that accusations similar to those brought against the said judge by the said Joseph François Deblois could have ever been thought of, and that it is from the petition of Joseph François Deblois that he first learnt that the said judge was accused of intemperance, never having heard such a thing mentioned, except by one Mr. Johnston, of Point St. Peters, and that about seven years back.

H. O'Hara, Lieut.-Colonel.

Sworn before me at New Carlisle this 3d October 1836,

John Wilkie,

Commissioner under 40 Geo. 3.

Correspondence
respecting
Mr. Thompson.

— No. 12. —

Province du Bas Canada, District de Québec.

PARDEVANT moi, Nylari Michaud, écuyer, juge de paix, résident à Carleton, dans le comté de Bonaventure, dans le district inférieur de Gaspé, est comparu Charles Marie Labillois, écuyer, de Migouacha, chirurgien, dans le comté et district susdit, lequel après serment dûment prêté sur les Evangiles, dépose et dit, que le commencement de Juillet de l'année mil huit cent trente deux, il fut appelé par l'Honorable Juge Thompson, du dit district, alors à Carleton susdit, où il s'est transporté, et a trouvé le dit Juge Thompson bien agité, le croyant attaqué du cholera-morbus; vu qu'il étoit à Québec avec sa famille quand la dite maladie éclata, et qu'il étoit récemment débarqué du vaisseau-à-vapeur, nommé le Royal William, à bord duquel la dite maladie existoit, et que dans la certitude où il étoit qu'il étoit attaqué de la maladie susdite, et jointe à la faiblesse des nerfs, il étoit dans un état de peur et de général faiblesse, signes précurseurs du cholera, qui le réduisoit à un état incapable de vaquer à aucunes affaires quelconques pour certains jours; dans l'intervalle du temps que le dit Docteur Labillois lui donna ses soins; et le dit déposant dit de plus qu'il a pratiqué dans le dit district comme chirurgien susdit pour dix-sept ans, et le dit déposant ne dit rien de plus.

Ch. M. Labillois, Doct^r.

Assermenté devant moi à Carleton ce 18 Février 1834,

H. Michaud, J. P.

— No. 13. —

William Carter, esq., of Port Daniel, in the county of Bonaventure, in the district of Gaspé, one of His Majesty's justices of the peace for the said district, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he has been personally acquainted with Mr. Thompson, judge of the provincial court, ever since his arrival in the district in 1827, and from that year to the present day has frequently seen the said judge in his own house on business at New Carlisle, during the sitting of the several courts held there (this deponent having generally attended the said courts), and the conduct of the said judge, as well on the bench as off the bench, has always been upright, impartial, free from intemperance and the immoderate use of spirituous liquors.

Deponent further saith, that he has attended the several terms of the provincial court in March and September, held at New Carlisle, since the year 1827, and it is with astonishment that this deponent has heard that the said judge had been accused of being under the influence of spirituous liquors during the sitting of the court of the said terms, it being to the personal knowledge of this deponent that the said judge was perfectly sober during the whole of the above-mentioned period, and the inhabitants of the district having the most entire confidence in the said judge. Deponent further saith, that from his long acquaintance with the said judge, having had free access to his house at all hours ever since his arrival in the district, and having, as already stated, attended the several terms of the court held in New Carlisle and the district, he has not the least hesitation in swearing that the accusations brought against the said judge before the Assembly are false and malicious, more particularly those of partiality and intemperance.

*Deponent further saith, that he is the same William Carter referred to in the evidence of Joseph François Deblois, esq., before the standing committee on grievances, in a suit in which he, this deponent, was plaintiff against one Timothy Lafurgy, and the statement therein made by the said Joseph François Deblois, that the judge was under the influence of liquor when an application was made for a *capias*, is false. Deponent saith, that he never made such application, never made an affidavit in order to obtain the same, but applied for a writ to attach the moveable estate of the defendant Lafurgy, which was granted him by the said judge, for which he paid Joseph François Deblois the sum of 11*l*., and James Ferguson Winter, esq., the then sheriff, 27*l*.*

Deponent further saith, that he has never seen the said judge under the influence of spirituous liquors, and that were the said judge an intemperate man, he would most certainly have noticed it during the long period the judge has been residing in this district.

William Carter,

Sworn before me at Port Daniel aforesaid, 18th June 1836,

H. O'Hara, J. P.

— No. 14. —

Robert Ferguson, esq., of Ristigouche, in the county of Bonaventure, in the district of Gaspé, merchant, residing in the province of New Brunswick, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of the provincial court for the district of Gaspé, and has been acquainted with the said judge ever since his arrival in the district in the year 1827.

That

Correspondence
respecting
Mr. Thompson.

That this deponent hath attended the provincial courts during the sitting thereof in Carleton and Carlisle since the said year 1827, and the conduct of the said judge hath always been upright, impartial and free from intemperance.

That this deponent is astonished that accusations similar to those brought before the House of Assembly of Lower Canada could ever have been thought of, as from the knowledge this deponent has of the general character and habits of the said judge, he, this deponent, has no hesitation in proclaiming them to be false.

Deponent further saith, that he is the same Robert Ferguson referred to in the evidence of Joseph François Deblois, esq., James Ferguson Winter, esq., and Edward Thibaudeau, esq., and the statement made by the said Joseph François Deblois, James Ferguson Winter and Edward Thibaudeau, is false. The particulars of the case referred to in their evidence is as follows: In the year 1828 this deponent addressed himself to Joseph François Deblois, in order to obtain an attachment against Robert Pitt, Samuel Mackay and James Mackay, who were indebted unto this deponent in a very large sum of money. Mr. Deblois declined acting, and recommended this deponent to Edward Thibaudeau, esq.; deponent thereupon applied to Edward Thibaudeau, esq., who advised deponent to return to Ristigouche and make up his account in full from his books against the said Robert Pitt, Samuel Mackay and James Mackay; deponent acted accordingly, and the next morning returned from Ristigouche with his account, and pressed and requested Mr. Thibaudeau to prepare an affidavit or the necessary documents, inasmuch as the said Robert Pitt, Samuel Mackay and James Mackay were then on board, but could not proceed with their vessel owing to the contrary winds. Mr. Thibaudeau refused to act until the court was over, and before the court was over, the wind became fair, and the said Robert Pitt, Samuel Mackay and James Mackay absconded this way before an application was made to the said judge for a writ of attachment, and before this deponent was sworn to the affidavit prepared by Mr. Thibaudeau; the judge never refused to grant the writ, and it was through Mr. Thibaudeau's neglect that the said Robert Pitt, Samuel Mackay and James Mackay escaped from the province of Lower Canada, and most assuredly not owing to any refusal, delay or neglect on the part of the said judge.

Deponent further saith, that he never made statements similar to those mentioned in the evidence of Joseph François Deblois, and the evidence of the said Joseph François Deblois is most wickedly false.

Robert Ferguson.

Sworn before me at Carleton this 29th June 1836,

Joseph Meagher, J. P.

— No. 15. —

Joseph Bert, of Ristigouche, in the county of Bonaventure, in the district of Gaspé, farmer and trader, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he knows Mr. Thompson, judge of the provincial court for the inferior district of Gaspé, ever since his arrival in the district of Gaspé in the year 1827.

Deponent further saith, that he resided at Carleton, near the court-hall, from 1816 to the year 1832, and generally attended the court-hall at Carleton, more particularly the years 1827, 1828, 1829, 1830, 1831 and 1832.

Deponent further saith, that the said judge, during the above years, always conducted himself, as well on the bench as off the bench, with perfect temperance and sobriety, and the statement made before the Assembly of Lower Canada, by Joseph François Deblois, esq., that the said judge had been drunk during the above-mentioned terms, is most wickedly false and without foundation. Deponent further saith, that he is perfectly convinced that the petition of the said Joseph François Deblois before the said Assembly was presented by him, the said Joseph François Deblois, through interested and vindictive motives, and his conviction is founded upon the said Joseph François Deblois's statements to this deponent.

Deponent further saith, that the said Joseph François Deblois has frequently told this deponent that if he could succeed in having the said judge dismissed from office, he the said Joseph François Deblois would be appointed judge in the room of the said Mr. Thompson. Deponent further saith, that he is indignant at the evidence of the said Joseph François Deblois, as well as that of the several witnesses, particularly Nicholas Allard, whose statements respecting the said judge being in a state of drunkenness, in term and out of term, during the Carleton terms, is false and without foundation.

Deponent further saith, that he never heard any person state that the said judge had ever been under the influence of spirituous liquors since the residence of the said judge in the district of Gaspé, previous to seeing the petition of Joseph François Deblois, with the exception of the said Joseph François Deblois himself, who has for years back circulated libels and caricatures against the character and family of the said judge in order to irritate the said judge, who has always treated the said conduct of the said Joseph François Deblois with silent contempt.

Deponent further saith, that the said Joseph François Deblois is now going from house to house in order to obtain signatures to a petition approving of his conduct, saying at the same time that it is for the good and interest of the inhabitants of the district; but that the said inhabitants have the most perfect confidence in the decisions of the said judge, and the highest esteem for his legal attainments and character; and this deponent hath heard this opinion from the inhabitants themselves.

Correspondence
respecting
Mr. Thompson.

Deponent further saith, that he was present at the house of Frederick Bijeau at Carleton, when Germain Durand, one of the witnesses examined before the Assembly, was present at the time alluded to in the evidence of the said Germain Durand, and the statement made in the said evidence, that the persons then assembled approved of the accusations brought by the said Joseph François Deblois, is false; not one word was said respecting the accusations brought by the said Joseph François Deblois.

Deponent further saith, that from the personal observations he is perfectly convinced that the said accusations are malicious and false.

Joseph Bert.

Sworn before me at Carleton this 7th July 1836,

Joseph Meagher, J. P.

— No. 16. —

Joseph Meagher, esq., of Carleton, in the county of Bonaventure, in the district of Gaspé, justice of the peace, being duly sworn upon the Holy Evangelists of Almighty God, depose and saith, that he is personally acquainted with Mr. Thompson, judge of the provincial court for the district of Gaspé, and has been acquainted with him ever since his arrival in the district of Gaspé in the year 1827.

Deponent further saith, that he has attended during the sitting of the provincial courts in Carleton since the year 1827, and more particularly the term held at Carleton in 1832, during which last-mentioned term he was present every day.

Deponent further saith, that the said judge is universally esteemed throughout the district of Gaspé from his impartiality, learning and temperance; this deponent having had frequent intercourse with the said judge, and having attended the several courts, considers the statements made before the Assembly of Lower Canada to be false and without foundation, more particularly the accusation of the said judge having been under the influence of spirituous liquors during the sitting of the court at Carleton in 1832, this deponent having conversed with the said judge and attended the court every day, would most certainly have noticed such conduct on the part of the said judge. Deponent further saith, that he resides at Carleton next to the court-hall, and also next to the house wherein the said judge resides during his stay at Carleton, and should the conduct of the judge be such as attempted to be represented before the Assembly he must have noticed it.

Deponent further saith, that the said judge was unwell in 1832, during the term at Carleton; so much so, that the court was held in his room one day. Deponent is positive that the judge was unwell on that day, and not under the influence of spirituous liquors, because he, this deponent, saw him and conversed with him; and had the judge been under the influence of spirituous liquors he must have noticed it.

Deponent further saith, that during the present spring he saw Nicholas Allard, one of the witnesses examined in Quebec before the Assembly, and having spoken to him about the singular evidence he gave before the Assembly, he answered this deponent, "on n'était pas sous serment là;" "we were not under oath there."

Deponent further saith, that the inhabitants have the most perfect confidence in the decisions of the said judge, and he has never heard any other than Joseph François Deblois, esq., complain of the said decisions, together with one Peter Winter, another practitioner in the said court.

Deponent further saith, that from his knowledge of the character and conduct of the said judge, he firmly believes the accusations brought before the Assembly by the said Joseph François Deblois to be false and without foundation, and attributes the conduct of the said Joseph François Deblois to his having lost most, if not the whole, of his practice before the said Court.

Joseph Meagher.

Sworn before me at Carleton this 8th July 1836,

H. O'Hara, J. P.

— No. 17. —

Hugh Aithen, of Ristigouche, in county of Bonaventure, in the district of Gaspé, justice of the peace, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say, that he is personally acquainted with Mr. Thompson, judge of the provincial court, and has been acquainted with the said judge ever since his arrival in the district of Gaspé; that he hath attended the courts at Carleton, and never hath noticed that the said judge, either during the sitting of the court or off the bench, hath been under the influence of spirituous liquors.

That this deponent hath always considered the said judge to be temperate, impartial and upright, and hath never heard any individual in the district of Gaspé complain of the decisions of the said judge.

Deponent further saith, that from his acquaintance with the said judge, and from his personal observations, he firmly believes that the accusations brought before the Assembly by Joseph François Deblois, esq., are false and without foundation.

Deponent

Deponent further saith, that he attended the provincial court held at Carleton in the year 1832, and the judge was very ill, and obliged to adjourn the court one day; that it was excessively warm. Deponent is positive that the said judge was not under the influence of spirituous liquors, and that the illness of the said judge did not proceed from the intemperate use of spirituous liquors. This deponent conversed with the said judge on that same day, and resided, during the whole of the said term held in Carleton in 1832, in the same house with the said judge, and had the said judge been under the influence of spirituous liquors during the said term, or indulged to excess in the same, this deponent would have noticed the same.

Deponent further saith, that in the same year, and during the sitting of the court, this deponent, as one of the justices of the peace, presented a petition to the said judge, in order to induce the said judge to preside at the quarter sessions that were to be held the very day after the term of the provincial court; and had the conduct of the judge been such as represented before the Assembly, this deponent would never have thought of petitioning the said judge to preside at the quarter sessions.

Deponent further saith, that the inhabitants of the district have the most perfect esteem for the said judge, and confidence in the provincial court.

Hugh Aitken.

Sworn before me at Carleton this 8th July 1836,

H. O'Hara, J. P.

Correspondence
respecting
Mr. Thompson.

— No. 18. —

Province du Bas Canada, District de Gaspé. Ss.

Jacques Lamy, de Paspébiac dans le comté de Bonaventure dans le district et province susdits, propriétaire et fermier, à ce vingt-deuxième jour de Juillet mil huit cent trente-six, comparu devant moi *Henry O'Hara*, ecuyer, un des juges de paix du dit district, et étant dûment assermenté sur les Saintes Evangiles, dépose et dit;

Qu'il connoit *Mr. le Juge Thompson* depuis le mois de Juin mil huit cent vingt sept; qu'il a demeuré depuis l'automne de la dite année jusqu'à présent à Paspébiac susdit, qu'alors il occupoit une de ses maisons à Paspébiac, et l'année ensuite une appartenant à la veuve *François Gallie*, près de la demeure du déposant, et ensuite dans une autre maison du déposant qu'il a bâti pour *Mr. le Juge Thompson*, à condition que le bail dura aussi longtemps qu'il résidera dans le comté susdit, et ce à raison de soixante et une livres, cours actuel de cette province, comprenant le foin nécessaire pour un cheval et une vache et le bois de chauffage.

Et le dit déposant dit de plus qu'il est satisfait de son marché, et qu'il a raison de croire que si sa maison étoit à louer qu'il ne trouveroit personne capable de lui en donner autant, vu la pauvreté de pays.

Et le dit déposant dit en outre, qu'il connoit le nommé *John Green* qui a donné temoignage devant le comité des griefs de la Chambre d'Assemblée de la province susdite, que le dit *John Green* n'a jamais été au service de *Mr. le Juge Thompson*.

Que le dit *John Green* est un homme des plus bas, tellement indigne de foi que le déposant ne croiroit rien qu'il pourroit dire, même sous serment, que le dit *John Green* s'est depuis long tems expatrié de ce district, laissant une femme et plusieurs enfans à la charge de leurs amis et voisins.

Que le déposant dit de plus, que depuis l'année mil huit cent vingt-sept jusqu'à présent il avoit occasion de voir *Mr. le Juge Thompson* tous les jours en cour, hors de cour et chez lui, et qu'il ne le jamais vu en boisson, il courroit un bruit que tel étoit le cas et les étrangers l'ont cru, mais c'étoit *Mr. Deblois* qui a fait circuler ce bruit-là. Et le déposant ne dit rien de plus, et a fait sa marque ordinaire d'une croix, déclarant ne savoir écrire ni signer.

Sa

Jacques x Lamy.

Marque.

Assermenté devant moi à New Carlisle ce 22^{me} jour de Juillet 1836,

H. O'Hara, J. P.

— No. 19. —

Province of Lower Canada, District of Gaspé.

PERSONALLY came and appeared before me, *Henry O'Hara, esq.*, one of His Majesty's justices of the peace for this district, *Farquhar M'Rae, esq.*, of Hope Town, in the county of Bonaventure, in the district and province aforesaid, and also grand voyer, and on the commission of the peace for the said district;

Who being duly sworn deposeth and saith, that he is personally acquainted with the honourable Justice Thompson, judge of the provincial court of the said district, and has been so acquainted with him since his arrival in this district as judge; that he has since that period to the present, seen him in almost all the terms of the provincial court for the

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said district, and also out of court, almost daily; and that on his circuit as grand voyer for the said district for this several years past did lodge in the same house with Judge Thompson at Percé, and that his business frequently requires his attendance at New Carlisle, when he is, on those occasions, obliged to pass Judge Thompson's residence, going and coming; that he has frequently, and in many instances, called on Judge Thompson at different hours of the day and night, and never perceived that he was in a state of intoxication or under the influence of liquor at any time; nor has he, the said deponent, any reason to suspect that Judge Thompson's habits were intemperate; and deponent further saith, that he knows John Green, a witness examined before the committee of grievances of the House of Assembly; that he never knew him to be in the service of Judge Thompson, but was in the service of the late Judge Caron; that the said John Green is a man of low worthless character, and ultimately absconded this district, leaving behind him a wife and several children depending on their friends and neighbours, and that he the said deponent would not believe him upon his oath; and deponent lastly saith, that he has the highest opinion of the zeal, talent, integrity and impartiality of Mr. Justice Thompson, and would believe his removal from this district would be an injustice done to the public.

Farquhar M'Rae, J. P.

Sworn before me at New Carlisle 25th July 1836,

H. O'Hara, J. P.

— No. 20. —

Charles Verdon, esq., of Malbaye, in the county and district of Gaspé, justice of the peace, being duly sworn upon the Holy Evangelists, maketh oath and saith, that he is personally acquainted with Mr. Thompson, judge of His Majesty's provincial court for the district of Gaspé, and has been acquainted with the said judge since his arrival in the year 1827; deponent further saith, that from that period to this day he has attended the several courts held at Percé and Douglas Town, and has never noticed that the said judge was under the influence of spirituous liquors, either during the sittings of the court or out of term; deponent further saith, that were the conduct of the said judge such as attempted to be represented before the Assembly, he must have most certainly noticed the same; deponent further saith, that from his personal knowledge and acquaintance of the habits and character of the said judge, he is perfectly convinced that the accusations brought before the Assembly of Lower Canada by Joseph François Deblois, esq., are false and without foundation.

Deponent further saith, that he knows one John _____ one of the witnesses examined before the Assembly; that the said John _____ is a worthless character, and a great drunkard; deponent is positive that the evidence given by the said John _____ that he saw the said judge under the influence of spirituous liquors on the bench in the year 1835, is false.

Deponent further saith, that the said judge is universally esteemed by the inhabitants of the district of Gaspé, who have the most entire confidence in the said judge, and in the decisions of the said provincial court.

Charles Vardon.

Sworn before me at Douglas Town this 16th August 1836,

A. Bebee, Commissioner.

— No. 21. —

Inferior District of Gaspé.

PERSONALLY appeared before me, John Le Boutillier, esq., one of His Majesty's justices of the peace for the county and district of Gaspé, in the province of Lower Canada, Mr. George Matthew, clerk for the establishment of the late Peter John Duval, esq., of Bonaventure Island, in the said district of Gaspé, merchant, deceased, who made oath and saith, that he has regularly attended at the court-house at Percé during its sittings in the year 1828, and all the intermediate years until the present year 1836, and at Douglas Town in the year 1834, but never saw the Honourable John Gawler Thompson in the least manner incapable of performing his judicial duties; this deponent has also attended at the lodgings of the said Honourable John Gawler Thompson, at Percé, at different hours upon business, and has always found the honourable judge in a state of perfect sobriety.

And this deponent further saith, that it is with the deepest regret that he has read the deposition of Patrick Enright (having a more honourable opinion of the man) before the committee of the honourable House of Assembly, wherein he the said Patrick Enright states (not having the fear of God before his eyes), that he is not indebted to the establishment of the aforesaid Peter John Duval, or any person of that name, in any sum or sums of money whatever, which this deponent is capable of proving to be false.

George Matthew.

Taken before me at Percé this 19th August 1836,

John Le Boutillier, J. P.

— No. 22 —

Peter Duval, esq., of Bonaventure Island, in the county and district of Gaspé, merchant and justice of the peace maketh oath and saith, that he is personally acquainted with Mr. Thompson, judge of the said district, and hath known him from his arrival in the said district.

Deponent further saith, that he hath attended the courts held at Percé ever since the year 1827, including the said year, and hath never noticed that the said judge was or had been under the influence of spirituous liquors, either on the bench or when the court was not sitting, and this deponent would most assuredly have noticed such conduct had it ever taken place.

Deponent further saith, that he has read the evidence taken before the Assembly of Lower Canada, and he is perfectly convinced, from his own personal observations, and his knowledge of the character and habits of the said judge, during a residence of nine years in the district, that that part of the evidence which accuses him of partiality and intemperance is false and without foundation.

Deponent further saith, that he has also read the evidence of Patrick Enright, and that his statement that he is not indebted unto the firm of Peter Duval & Co., is false, the said Patrick Enright being indebted unto the said firm in the sum of 12*l.* 15*s.* 9*d.* currency, for which sum he, this deponent, requested John R. Hamilton, esq., attorney, *ad negotia* of the said firm, to arrest the said Patrick Enright; and this deponent never had the conversation with the said Enright which he states took place at Bonaventure Island between them.

Deponent further saith, that he is perfectly convinced that the accusations brought by Mr. Deblois against the said judge are false and malicious, and the inhabitants of the district in general have the most entire confidence in the said judge, and in the decisions of the said provincial court.

Peter Duval.

Sworn before me at Percé this 27th August 1836,

John Le Routillier, J. P.

— No. 23. —

Province of Lower Canada, District of Gaspé.

Mr. *John Hardeley*, of Paspébiac, in the county of Bonaventure, in the district and province aforesaid, agent at Paspébiac aforesaid of the house of Messrs. Charles Robin, & Co., being duly sworn, deposeth and saith, that he came to the district of Gaspé aforesaid in 1822, where he has resided up to the present period; that he has known the Honourable Mr. Justice Thompson, judge of the provincial court for this district since his first arrival in June 1827; that from the month of June, the period of his arrival, to the month of October of the same year, the said judge occupied and resided in a house belonging to Messrs. Charles Robin & Co., at Paspébiac, in consequence of the difficulty of his procuring a suitable dwelling, that house being the winter-quarters of the persons employed by the abovenamed firm: Judge Thompson was obliged to take small and inconvenient rooms, until the house in which he now resides was completed by one Jacques Lamy, the proprietor, who has frequently expressed his satisfaction at having leased that house to Judge Thompson, as no one else in the district would give the same rent for it; nor does the rent of any of the houses in that neighbourhood exceed 20*l.* a year.

And this deponent further saith, that from the arrival of Judge Thompson in this district to this day, he never saw Judge Thompson under the influence of wine or other liquors, either during the sitting of the court or out of court, nor did this deponent ever suspect that such was the case; and this deponent further saith, that had Judge Thompson's habits been intemperate he must have perceived it from the frequent opportunities he had of seeing him, as well in as out of court; and this deponent further saith, that he has read the report of the House of Assembly, and the evidence in support thereof, as printed and published by the order of that House, and that he considers that the facts stated in the evidence alluded to as criminating the character of Judge Thompson are absolutely false and without foundation: and this deponent further saith, that on his arrival here in 1822, James Ferguson Winter, (afterwards sheriff of the district of Gaspé for a short period), was in the employ of Messrs. Charles Robin & Co. for upwards of a year, when, for reasons well known to himself, he was dismissed their service.

And this deponent further saith, that the said James Ferguson Winter, since the fall of 1832, has been absent from this district, and in the winter of 1834 to 1835 it was currently reported here that he had gone to the United States of America, several individuals having given such information to this deponent; and this deponent further saith, that John Marrett, Daniel Marrett, John Day and Thomas B. Munro, the persons named in his the said James Ferguson Winter's examination before the committee of grievances of the House of Assembly, are not connected in any manner with the house of Charles Robin & Co., directly or indirectly, nor in any manner under their control, nor do they (as this deponent verily believes) entertain any ill-will against the said James Ferguson Winter; and this deponent lastly saith

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that Judge Thompson is highly respected and esteemed by the inhabitants of the district of Gaspé, and that he verily believes that the charges brought against him are founded in malice, and from interested motives.

John Hardeley.

Sworn before me at New Carlisle the 30th September 1836,

H. O'Hara, J. P.

— No. 24. —

John Robinson Hamilton, esq., of New Carlisle, advocate, being duly sworn, deposeseth and saith, that he is one of the practitioners of the provincial court for the district of Gaspé, and hath in such capacity attended the several terms of the said court held at Percé and Douglas Town in the years 1834, 1835 and 1836, at Percé and Carleton in the year 1831, at Carleton in the years 1831, 1835 and 1836, and the September term of New Carlisle in the year 1830.

Deponent further saith, that he has been present in court, during the sitting of the court, every day of the above-mentioned terms, and he hath never noticed that the Honourable John G. Thompson, provincial judge of the said district, was or had been under the influence of spirituous liquors or wine during the above-mentioned period.

Deponent further saith, that he boarded in the same house with the said judge in Carleton in the year 1831, and he is positive that the said judge was not under the influence of wine or spirituous liquors during the said term, as he, this deponent, must have noticed it.

Deponent further saith, that he has read the evidence taken by the committee of grievances of the Lower Canada Assembly, and that part of the evidence of the several persons then examined, which accuses the said judge of intemperance during the Carleton circuit of 1831, is false. Deponent further saith, that James Ferguson Winter, esq., late sheriff of this district of Gaspé, did not attend the said Carleton term held in 1831.

Deponent further saith, that he attended the several terms held at the different places in the above-mentioned years, and he is positive that the said judge was not under the influence of wine or spirituous liquors during the said terms, as he, this deponent, must have noticed it.

Deponent further saith, that that part of the evidence taken before the said committee of the Assembly of Lower Canada, which states that the said judge had been under the influence of wine and spirituous liquors during the periods above mentioned (that is to say, during the terms of the several years that this deponent hath attended the provincial court as above mentioned), is false and without foundation.

Deponent further saith, that the evidence given before the Assembly of Lower Canada by Patrick Enright relative to this deponent is false. The particulars of his case and the transactions which took place are as follows:—This deponent received instructions in the year 1834, from Peter Duval, esq., of Bonaventure Island, to take proceedings against the said Patrick Enright in order to recover the sum of 12*l.* some shillings, due unto the firm of Peter Duval & Co. by the said Patrick Enright; was also informed by the said Peter Duval that the said Patrick Enright had absconded, and that he might perhaps return on a visit or to settle his affairs. The said Peter Duval then requested this deponent to attach the body of the said Patrick Enright, should he return, and appointed this deponent attorney *ad negotia* of the said firm of Peter Duval & Co., in order that this deponent could or might take the necessary affidavit to arrest the said Patrick Enright.

Deponent further saith, that having been informed in September 1835 that the said Patrick Enright was in New Carlisle, and on the eve of leaving the province, he, this deponent, immediately took the proper steps in order to secure the person of the said Patrick Enright.

Deponent further saith, that after the said Patrick Enright had been arrested, the said Enright informed this deponent that he had a claim against the said judge, which said claim he this deponent offered to purchase from the said Patrick Enright: this office of the said deponent was unsolicited and unasked for by the said judge, but was the transaction of this deponent, from which he, this deponent, expected to realize a profit. Deponent further saith, that the said Patrick Enright, not having the document on which his claim against the said judge was founded, he, this deponent, did not purchase the said claim, and afterwards discovered that the said Patrick Enright had received part of the said claim.

Deponent further saith, that the said judge never spoke to this deponent about the claim which Patrick Enright had against him before the arrest of the said Patrick Enright.

Deponent further saith, that the said James Ferguson Winter was dismissed from his office of sheriff at the request of the inhabitants of the district, and owing to his neglect in office.

Deponent further saith, that he entertains no ill-will towards the said James Ferguson Winter, and that the said James Ferguson Winter having been currently reported absent from the province of Lower Canada, he, this deponent, applied on the behalf of several of the creditors of the said James Ferguson Winter, in order to have a curator appointed to his absent estate.

Deponent further saith, that he, this deponent, never applied to or requested from the agent of the said James Ferguson Winter, John Whitton, jun., to give unto this deponent the books

books and accounts of the said James Ferguson Winter; he, this deponent, never spoke to the said agent on the subject. This deponent was not aware that the said James Ferguson Winter had any other claims than claims against the said James Ferguson Winter, he, this deponent, having now in his possession, for the purpose of recovering mortgages, judgments, promissory notes and accounts against the said James Ferguson Winter to the amount of several hundred pounds. Deponent further saith, that he has been intimately acquainted with the said judge for the last 16 years, the said judge being married to the maternal aunt of this deponent, and this deponent hath never once seen the said judge under the influence of wine or spirituous liquors.

New Carlisle, 30 September 1836.

John R. Hamilton.

Sworn before me at New Carlisle 30 September 1836,

H. O'Hara, J. P.

— No. 25. —

Daniel Marrett, of New Carlisle, in the county of Bonaventure, in the district of Gaspé, master carpenter and bailiff, being duly sworn upon the Holy Evangelists, doth depose and say, that he has known the Honourable Mr. Thompson, judge of the district of Gaspé, from the time of his arrival in the said district.

Deponent further saith, that he was the undertaker who built the house of Jacques Lamy in the years 1829 and 1830, referred to in the evidence of Etienne Lebreux before the committee of the Assembly of Lower Canada. Deponent further saith, that the statement of the said Etienne Lebreux before the said committee, "that the said judge came regularly, several times a day, to give his orders," and also his statement that the said judge was under the influence of spirituous liquors, is false, the said judge never having once, during the whole period, conversed with the said workmen or with the said Etienne Lebreux, he, the said Etienne Lebreux being a notorious drunkard, and generally in a situation unfit to attend to his work, so much so, that this deponent was obliged to dismiss him from the employ.

Deponent further saith, that he attended the terms of Percé and Douglas Town of the year 1831, as deputy sheriff, under James Ferguson Winter, then sheriff, and in such capacity attended the court every day, and he never noticed that the said judge was under the influence of spirituous liquors, which this deponent must have noticed, had it ever taken place. Deponent further saith, that the said James Ferguson Winter did not attend the said last-mentioned terms of the provincial court, but remained at Paspébiac.

Deponent further saith, that he has attended all the terms of the provincial court held at New Carlisle, from the time of the arrival of the said judge in the district of Gaspé, and that he hath never noticed that the said judge was or had been under the influence of spirituous liquors during the sitting of the court or off the bench, this deponent must have noticed such conduct had it ever taken place. Deponent further saith, that he attended the court held at New Carlisle in the year 1827 every day, and never noticed that the judge was under the influence of spirituous liquors, nor heard any person say so, not did this deponent ever suspect that the said judge was in such a situation.

Deponent further saith, that he is the same person referred to in the evidence of said James Ferguson Winter, taken before the committee of grievances of Lower Canada, and that he, the said deponent, has no spite against the said James Ferguson Winter.

Deponent further saith, that he is one of the individuals who declared that James Ferguson Winter was absent from the province of Lower Canada; he, the said deponent, did so from having seen a letter from James Ferguson Winter to John Whittom, junior, wherein the said James Ferguson Winter stated that he was then on his way to Philadelphia, in the United States of America. Deponent saw the said letter about two years since, and it was publicly rumoured that the said James Ferguson Winter had left the province of Lower Canada; this deponent also inquired from the said John Whittom, junior, whether the said James Ferguson Winter had left the province, and the said John Whittom, junior, could not tell. Deponent believed that the said James Ferguson Winter had left the province.

Deponent further saith, that he acted as deputy sheriff in the year 1831; and during the said year, the said James Ferguson Winter was in a state of habitual drunkenness, and that the said James Ferguson Winter was considered a confirmed drunkard.

New Carlisle, 1 October 1836.

Daniel Marrett.

Sworn before me at New Carlisle the 1st day of October 1836.

H. O'Hara, J. P.

— No. 26. —

Province of Lower Canada, District of Quebec.

Charles Poirier, of Bonaventure, in the district of Gaspé, at present at Quebec, in the district of Quebec and province aforesaid, mariner, being duly sworn, deposeth and saith,

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saith, that he is the owner and master of the schooner "La Reine," and has been such owner and master for upwards of 10 years; that he was summoned some time last fall, by the House of Assembly of Lower Canada, to give evidence before the committee of grievances upon certain charges brought before that house, by Mr. Joseph François Dublois, an attorney of the provincial court for that district, against Mr. Justice Thompson, judge of that court.

That this deponent appeared before the said committee, and gave his evidence by answering all such questions as the members of that committee thought proper to put to him; and this deponent further saith, that his evidence was not then taken down in writing, nor does it appear from the printed proceedings published by order of that house, that any notice was taken of his evidence; and this deponent further saith, that he can give no other reason for the rejection of his evidence than its being favourable to Judge Thompson, and directly contrary to that of John Green, James Ferguson Winter and Joseph François Deblois; and this deponent further saith, that he has known the said John Green for upwards of 12 years, and can safely swear that he is a low worthless character, so much so that no one would employ him in the district of Gaspé; and this deponent further saith, that the said John Green, previously to his giving evidence against Judge Thompson, suddenly absconded from the district of Gaspé, leaving his wife and several children depending upon their connexions and neighbours.

And this deponent further saith, that he has known James Ferguson Winter, another witness produced against Judge Thompson, for upwards of 15 years; that he was formerly in the employ of Messrs. Chas. Robin & Co., of Paspébiac, in the district of Gaspé, merchants, but was, from his conduct, dismissed from their service; that he was afterwards appointed sheriff of that district, but was not long in office before his conduct induced the Governor-in-chief to remove him.

And this deponent lastly saith, that the said John Green and James Ferguson Winter reside in the outskirts of the suburbs of this city, depending altogether upon the precarious chances of the day for support.

his
Charles + Poirier,
Mark.

Sworn before me at Quebec this 28th day of October 1836.

H. Gowen, J. P.

I certify that this deposition was read to the deponent in my presence, who declared his incapacity to sign his name, but persisted in the truth of all the declarations set forth in this deposition.

H. Gowen, J. P.

(True copies.)

John G. Thompson.

(B.)

Sir,

His Excellency the Governor-in-chief directs me to acquaint you, that he has heard, with great regret, reports from various quarters, of certain circumstances in your private demeanor and conduct, which tend to bring disrepute upon the public station you hold, and call for immediate interference on the part of his Excellency. The result of an inquiry which he has caused to be made, leaves no doubt on his Excellency's mind of the truth and notoriety of the fact, that you have given way, both in public and in private, on various occasions, to habits of intemperance. His Excellency has no choice but to appoint another person in your place; but, for the sake of your family and yourself, he would prefer that you should resign. He wishes you, however, distinctly to understand, that if you are not disposed to take this option, your removal must take place, after the 1st June, by a public revocation of your commission.

I have, &c.

The Hon. Judge Thompson.

A. W. Cochran, Secretary.

I certify the above to be a true copy, from the original draught in my possession, of a letter which was written and dispatched by me, at the above date, to Judge Thompson, by the directions of the Earl of Dalhousie; but which was not registered in the letter book of the civil secretary's office, in consequence of instructions to that effect, given to me by his lordship, on the letter being submitted to him before being sent.

Quebec, 29 October 1836.

A. W. Cochran.

To the Honourable *John Gawler Thompson*, Judge of the Provincial Court for the District of *Gaspé*.

Correspondence
respecting
Mr. Thompson.

Sir,

It is generally reported that your Honour intends leaving this district for Quebec at the opening of the navigation, which gives us an opportunity of expressing our sincere wish for your welfare, hoping that your intended voyage will be short, pleasant and agreeable, and that you will promptly return to exercise your functions as judge, with that ability and diligence which you have hitherto manifested.

We beg leave to express the pleasure we feel in assuring your Honour, that the mild and conciliatory manner in which you have conducted the arduous duties of your office since your arrival among us has given general satisfaction.

Your nomination as successor to that highly respected judge the late Honourable Mr. Caron, is another instance of his Excellency's anxiety for the welfare of this district.

We have, &c.

J. A. Boesverd, P^{tre}.
James Day, Major.
Charles Cavenaugh, J. P.
G. M. Douglass, Surgeon.
John Hardeley, Agent for Charles
Roben & Co.
D. Stewart.
Charles Forest, J. P.
George Balleine.
J. F. Deblois.
Louis Bouffard, Merchant.
David Le Boutillier.
John M'Kenzie.
J. Chisholm, Capt. M.
Robert Sherar, Coroner.
Asariah Pritchard, jun.
M. P. Dimock.
Jonathan Woodman.
Dougald Fletcher.
Benjamin Sive.
Louis Sive.
Patrick Walsh.
Robert Smallet.
Captain Richard Smith.
C. Arbon, Captain of M.
Felix Arbon.
Ralph Pritchard, Lieut. Militia.
Peter Lynd.
George Brown.
Pierre Le Blanc.
James M'Nish.
Thomas Man, Sheriff.
Andrew Chisholm.
Philip Staines.
James Sherar, jun.
O. C. De Blois.
John Gillker, J. P.
Robert Caldwell.
James Caldwell.
John Milny.
John Caldwell.
Amasa Bebee.
James Gillker.
E. Enright, H. P., late Royal New-
foundland Regt.
Azariah Pritchard, J. P., Captain
King's Rangers.
James Sherard, J. P.
William Willett.
James Morrison.
E. Faucké, P^{tre}.
Hugh Robertson.
Robert Kempffer.
S. Talbot, Marchand.
Louis Roussie.
William Carter.
Joseph Rees.
William H. Lander.

William Scott.
Alexander M'Neil.
Farquhar M'Rae.
Duncan M'Rae.
David Smith, sen.
John Alexander Smith.
David Smith, jun.
James Smith.
Isaac E. Man.
John Burn.
James Gilles.
James Deleny.
Henry Hert.
George Forsight.
Pierre Duval.
Meshile Thapedon.
John Shapedon.
Belony Chapados.
Abraham Chapados.
Francis Gouard.
Joseph Gouar.
Juele Gouar.
Philip Gour.
John Esplot.
John Lander.
Alexander Hall.
Amos Hall.
J. Alexander.
A. Alexander.
Joshua Bebee.
Asa Bebee.
Alexander M. King.
Timothy Lefurgey.
Denis Lefurgey, jun.
John Gilles.
W. Atkinson.
John Lamie.
Meshile Parece.
Alexander Brotherton.
Mathew M'Lean.
Francis Duga.
Stanislas Roussey.
Andrew Ruce.
Poliso Ruce.
Alexander Ther.
Jacques Ahier.
Philip Ahier.
William Brotherton.
Jacques Huard.
Laurent Huard.
Lues Dene.
Romano Huard.
Juelbare Ruce.
Peter Derosbe.
Arna Duga.
Mane Well La Brosur.
Maturare La Brosur.
Meri Well La Brosur.

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Serafen La Brosur.
Basken La Brosur.
Joseph La Brouser.
Joseph Hottot.
Theophile Dugay.
Alexander Brotherton, jun.
William Brotherton.
James Duga.
John Power.
Niel M'Gimes.
Adam Brotherton.
James Brotherton.
Jeremiah Enright.
David Fargeson.

Lawrence Keehan.
Philipe Anglihart.
Arna Duga Sener.
M. Sheppard, N.P.
Henry J. C. Enright.
George Prevost.
James Lernis.
Edward Duga.
Joseph Duga.
Fabien Dugay.
Adam Brotherton.
Charles Collins.
Th. Neilson.
James Fihe.

Dear Sir,

Our loyal and affectionate Address to his Excellency the Earl of Dalhousie, our excellent and highly esteemed Governor-in-chief, has this day been returned to me. As the present state of our roads, rivers and creeks renders travelling quite impracticable, we must therefore be satisfied with the signatures we have, and they are not few, considering the short distance within which they have been obtained, the little time in which it has been done, our scattered population, with all other local inconveniences; there are 287.

The general wish is, that you should be the bearer of the Address, and present it to his Excellency. I have no doubt but you will readily accede to this, and willingly and agreeably perform this honourable task.

I therefore send you the Address, with the translation attached to it, which has accompanied the original, for the satisfaction of those who did not understand the English language: for that reason, it would, in my humble opinion, be very desirable that the same translation should appear in the Gazette. I would, with infinite pleasure, have done myself the honour of delivering you the Address personally, had not prudence dictated the propriety of my remaining at home to-day, on account of the weather, bad roads, and my still convalescent state.

As Captain Auffroy, on board of whose schooner you purpose going, intends to sail for Quebec on the first day of the ensuing month, if your passage is the least favourable, you will have abundance of time to see all your friends, and be back by the 15th June: this will give you fifteen days before the Carleton Term.

I hope your aged and respectable father will have perfectly recovered his health when you see him. I doubt not but himself, as well as your other relations and friends, will be agreeably surprised with your visit, and will feel much inclined to retain you altogether among them, after the privation they must have experienced since you and family left the circle of their society. They have an affectionate claim on you; the district of Gaspé has a greater, a more important one, which I have no reason to doubt the district expects will supersede the laudable affectionate claim of your Quebec friends and relations.

Sincerely wishing you a safe, pleasant, agreeable voyage, and prompt return,

I have, &c.

Hon. Judge Thompson, Present.
Paspébiac, 26 April 1828.

(signed) *J. Ferguson Winter.*

Dear Sir,

Paspébiac, 27 April 1828.

SEVERAL persons having requested me to present you the Address, prepared and signed for you, before you depart for Quebec, it is with much pleasure I do it. It is to be remarked that many more signatures might have been obtained, for everybody was most willing to sign it, but it was thought unnecessary to take any but heads of families and principal persons. I sincerely hope your trip will be pleasant, and that you will soon return amongst us, to make a long stay in the district of Gaspé, as our judge.

I am, &c.

To the Hon. Judge Thompson.

(signed) *James Day.*

Sir,

New Carlisle, 1 May 1828.

SINCE signing an Address to you, on the circumstance of your departure for Quebec, a report has been in circulation in this place, which we are induced to believe is too well founded, that a secret conspiracy has been carried on last autumn, and during the winter, against you, by some persons at Quebec, in which several ill-disposed people of this district have been induced to join.

We are confident, from the unlimited opportunities we have had since your arrival in this district of seeing your manner of conducting the proceedings in court during the Terms held in this place, your regular attendance at Court-hall on Saturdays in vacation, readiness to attend business at your chambers, and opportunities we have had of meeting you in private, that any attempt to disturb your peace, or injure your character or circumstances, must arise from envy and malice, or interested and selfish views.

Under

Under those circumstances, we consider it our duty to assure you that we approve of, and are fully satisfied with your conduct; and, in saying this, we do not hesitate to pledge ourselves, that we speak the sentiments of the public in general, in this part of the district; and should it be required (which we trust will not be the case), we are ready to certify and depose to these facts and sentiments in the most solemn manner.

We have, &c.

To the Hon. Mr. Justice Thompson.
Paspébiac.

(signed) *Robert Sherar.*

Robert H. Kempffer.
J. Chisholm.
James Sheren.
Thomas Man.
James R. Sherar.
Andrew Chisholm.
Philip Starns.
Louis Bouffard.
John Hardeley.
James Caldwell.
Joshua Caldwell.

Robert Smallett.
James Caldwell.
E. Enright.
James Gillker.
Amasa Bebee.
John Caldwell.
John M'Kenzie.
Robert Caldwell.
John Todd Caldwell.
Alexander Hall.

My Dear Sir,

New Carlisle, 2 May 1828.

It is with much regret I cannot see you this day, as requested by Mr. Enright, having taken a very bad cold, with an inflammation of the throat, since I last had that pleasure. I cannot with safety undertake so long a ride; I, however, think I am better this day than I was yesterday, and hope I will be able to do myself that pleasure before your departure.

Robert Caldwell, schooner *Minerva*, requests me to inform you that he will sail for Quebec on Wednesday, at latest. This is the vessel Sarah goes with, a new vessel, and well found.

I herewith enclose you a letter, expressing the dispositions and sentiments of the public in general, in this part of the district, on a subject which should have for ever remained (where it was contrived) in secret darkness.

Hoping you will excuse this imperfect, though correct, outline of the public sentiment,

I am, &c.

To Mr. Justice Thompson, Paspébiac.

Robert Sherar.

A l'Honorable *John Gawler Thompson.*

New Carlisle, 27 Avril 1828.

Honorable Juge,

VOTRE arrivée parmi nous fit renaître dans les cœurs des citoyens, non cette joie indiscrete que fait trop souvent éclater une populace aveugle, inconsidérée; mais cette joie pure et douce, effet heureux du civisme, et d'un respect religieux pour la magistrature. En ce moment chacun se console de la perte qu'il venoit de faire, par la mort de l'Honorable Juge Caron, pour ne s'occuper que de flatteuses espérances dans la personne de son successeur. Ce fut, sans doute, un acte honorable de la part de ceux qui, capables de nourrir d'aussi noble sentiments, menageoient du moins à votre honneur un jour de voluptueuses jouissances; tout enfin présageoit l'aurore d'un beau jour. Quelle sera la fin? Telles furent les réceptions de vos prédécesseurs, ils furent, comme vous, accueillis avec transport par ceux des citoyens qui, contents d'une heureuse médiocrité, ne desirent et ne souhaitent que de vivre en paix au sein de leurs familles sous l'égide puissante de la loi; néanmoins, quelques intègres, quelques éclairés, quelques estimés qu'ils fussent, ils ne tendirent pas à éprouver de cuisans chagrins au milieu de cette petite population favorablement disposée, si l'intrigue ne travailloit sans cesse à l'égarer. Si comme eux vous partageates l'estime et le respect public, comme eux les mêmes déplaisirs pouvoient ils ne vous être pas réservés! ce que chacun craignoit avec raison ne s'est que trop réalisé. Par quelle étrange fatalité les Juges de ce district sont ils donc condamnés à être tour à tour l'objet de l'estime, de la haine, de la vénération, de la calomnie! les seuls élémens sociaux donnent la solution de ce problème. Qu'il me soit permis d'en dire quelques mots. Il étoit réservé à feu l'Honorable Juge Crawford d'être l'apôtre de la jurisprudence dans le district de Gaspé. Qui le croiroit? A deux cens lieues de la capitale régnoit alors la plus affreuse comme la plus déplorable anarchie. L'égoïsme mercantile étoit la loi suprême; aussi vit on se multiplier dans une progression effrayante des injustices atroces, des voies de faits, des vols, des meurtres même! tout étoit permis, tout demeurant impuni. Quelle digne assez puissante opposera-t-on à ce déluge de maux qui menace d'engloutir la partie paisible de la société? un seul homme. Je ne trompe, ce sera l'austère vertu d'un magistrat qui ni les privations de toutes espèces, ni l'intempérie des saisons, ni les dangers, ni les périls ne sauront arrêter dans l'exécution des ses importantes fonctions; on le verra sur tous les points du district administrant la justice tout en donnant à son pays le scandaleux spectacle d'un juge en procès à des réflexions peu respectueuses, à des sarcasmes sanglants, à des outrages même: parceque l'égoïsme mercantile s'offensera du règne de la loi et parcequ'il s'arrogera, ne trouvant rien

Correspondence
respecting
Mr. Thompson.

à reprocher au magistrat, le droit de censurer le citoyen dans le dessein de diminuer ou plutôt d'avilir aux yeux d'une troupe incensée l'autorité judiciaire, c'est ainsi qu'au temps d'alors l'on neutraleroit l'intention du législateur et le noble dévouement d'un juge. Poursuite des misères, des privations en tout genre et des chagrins mortels attachés à sa situation, les facultés intellectuelles de ce digne magistrat s'affaiblissent peu à peu ; il tombe victime infortunée d'une des maladies qui assiègent l'humanité. Vainement douze de ses concitoyens l'absolvent ils d'un crime dont on veut entacher sa mémoire ; un malheureux préjugé des membres de sa communion le privera des honneurs funèbres dû à son rang, à sa dignité ! ces restes seront déposés sur une île déserté jusqu'à ce que la justice et la raison, reprenant leur empire, viennent ordonner la translation des dépouilles mortelles de ce magistrat, dernier mais trop sanglant outrage fait à la mémoire d'un juge que revereroient des peuples d'un autre hémisphère ! que dis je ? je trahis la vérité il est temps encore, je puis cesser d'être injuste. Je dois donc avouer, pour l'honneur de ce district, qu'il est des citoyens qui déplorent amèrement cette injuste et trop cruelle destinée. A cette époque la législature, jetant un coup d'œil sur ce district, est convaincue qu'en raison des besoins sociaux il devient nécessaire d'augmenter la juridiction de la Cour Provinciale de Gaspé, une loi est passée, sanctionnée. L'Honorable Alexis Caron reçoit le chapeau de juge. Des avant son arrivée la renommée proclame les talents et les lumières du juriconsulte, les vertus publiques du juge et les éminentes qualités du citoyen ; sa fermeté et son apparente sévérité que tempéroit une heureuse urbanité ne contribuèrent pas peu à inspirer une crainte salutaire à ceux qui, sous son prédécesseur, avoient méconnu leurs devoirs ; tout sembloit rentrer dans l'ordre, jamais l'égoïsme mercantile ne fût plus à la gêne ; néanmoins son esprit hostile existoit encore, quoique réduit à ne pouvoir exercer sa malignité, il saura se ménager un moyen d'y satisfaire. Quelques actions instituées au terme supérieur ayant franchi plusieurs termes, pour causes d'irrégularités dans les procédures, ce qui enchaînoit la volonté ferme de la cour et l'empêchoit de rendre justice aux parties en litige, firent enfin naître un prétexte que vainement l'on cherchoit depuis longtemps ; tout à coup un bruit sourd, se fait entendre on taxe le tribunal de nonchalance, d'indifférence ! il fût donc satisfait cet esprit malfaisant, puis qu'il avoit atteint le but désiré, celui de créer des soupçons défavorable à l'opération de la loi, et injurieux à la prudence, à la sagesse, et à l'intégrité du magistrat ; c'est ainsi que l'on s'enfonce d'égarer l'opinion publique ! quel fût l'auteur de cet attentat ? un être invisible qui échappera au châtement parcequ'il a su décocher ses traits empoisonnés à la faveur d'épaisses ténèbres. Le feu juge vit avec indignation cette honteuse calomnie, lui qui, à l'exemple de la justice, reprouvoit tout à la fois un arrêt juste, porté contre les formes voulues de la loi, et un arrêt injuste, dans lequel ses formes auroient été respectées. Sels furent à l'égard de cet honorable magistrat les premiers pas de la malveillance ; lorsque la misère, les fatigues et les privations, que son zèle judiciaire lui faisoit envisager comme légers vinrent pourtant le précipiter dans la tombe ! Il vit approcher la mort avec le sang froid et la résignation d'un philosophe Chrétien, il s'endormit bientôt du sommeil du juste au sein de l'éternité ! Le Gouvernement ne tenta pas à donner à ce district un nouveau gage de sa tendre sollicitude en désignant votre honneur comme le juriconsulte qui devoit tarir nos larmes et mettre un terme à nos regrets. Si j'avais un moindre respect pour celui à qui j'ai l'honneur d'écrire et si je ne craignois pas, en voulant rendre hommage à la vérité, de blesser la délicatesse de votre honneur, il me seroit facile de jeter un coup d'œil sur le présent et de remonter à la cause de votre déplaisir pour en tirer des inductions qui feroient contraster des calomnies à côté de méritoires travaux judiciaires ; je pouvais évoquer des archives de cette cour de muets mais éloquentes défenseurs de la vérité et avec une entière confiance j'interrogerois la voix publique mais quoi ! déjà elle se fait entendre dans une adresse ou elle s'afflige de votre départ et forme de tendres vœux pour votre retour ! que faut il d'avantage ? Les citoyens peuvent-ils jamais se tromper dans leurs plus chers intérêts ! non jamais en pareils cas, aussi ont ils lieu d'espérer que vous leur serez rendu. Il est temps que je termine ; j'ai sans doute trop abusé de votre indulgence. Daignez agréer les vœux les plus sincères pour votre prospérité future, de celui qui est,

Avec la plus profonde considération,

Honorable Juge

Votre très sincère et dévoué serviteur,

J. F. De Blois, Avocat.

New Carlisle, 26 April 1828.

I do hereby certify, that no writs were issued by me, returnable at Percé, during the term of August 1827.

A. Bebee, P. P. C.

Correspondence
respecting
Mr. Thompson.LIST of CAUSES remaining undecided by the late Hon. Justice *Crawford* and *Caron*, when
Mr. Justice *Thompson* came into Office, and those Issued and Decided since.

No.	PARTIES.	When Writs Issued.	When Decided.	By whom Decided.	Sum sued for.
					£. s. d.
160	Melancton W. Barber v. William Cuthbert.	20 June 1826	10 July 1827	Hon. J. G. Thompson.	12 - -
27	John Milne v. John Le Feurre.	2 May 1825	29 Sep. —	ditto - -	17 4 4
138	Robert Sherar v. Peter Loesil.	4 Nov. —	3 Mar. 1828	ditto - -	6 11 4
137	Robert Sherar v. Pierre D. Arache.	1 Nov. —	— —	ditto - -	- 17 9
166	Auge Poirier v. Lau- rent Bourdages.	1 July 1826	13 Mar. —	ditto - -	100 - -
168	Auge Poirier v. Jean Albert.	11 Sep. —	24 Sep. 1827	ditto - -	35 - -
214	Francois Buteau v. Patrick O'Brien.	4 Aug. 1827	22 Sep. —	ditto - -	40 - -
152	Auge Poirier v. Jean Baptiste Anglebart.	6 Sep. 1826	12 Sep. —	ditto - -	3 14 4 $\frac{1}{2}$
149	Auge Poirier v. Nicho- las Broceur.	— —	— —	ditto - -	9 15 -
148	Auge Poirier v. Etienne Castillon.	— —	19 Sep. —	ditto - -	9 8 5
166	Auge Poirier v. An- toine Ferrand.	— —	12 Sep. —	ditto - -	10 16 9
171	Auge Poirier v. John William Sullivan.	12 Sep. —	20 Sep. —	ditto - -	3 12 -
172	Auge Poirier v. Jacques Beudeil.	— —	12 Sep. —	ditto - -	9 13 6
161	Auge Poirier v. Joseph Dugay, jun.	6 Sep. —	— —	ditto - -	10 2 5 $\frac{1}{2}$
159	Auge Poirier v. Jean Baptiste La Mare.	— —	— —	ditto - -	3 12 10
186	Michael Buckley v. George Brown.	29 June 1827	17 Mar. —	ditto - -	50 - -
188	James Thompson v. Andre Dugas.	— —	10 July —	ditto - -	3 18 -
195	Romain de Gaudrit v. Matthew Stewart.	5 July —	— —	ditto - -	5 - -
196	Romain de Gaudrit v. Peter Elwood.	— —	— —	ditto - -	11 - -
241	Joseph Walker v. James Sherar.	4 Sep. —	18 Sep. —	ditto - -	9 19 -
242	Hugh Smith v. Jean Le Bueffe.	5 Sep. —	12 Sep. —	ditto - -	10 10 -
243	James Shanon v. Jean Larue.	— —	13 Sep. —	ditto - -	10 - -
244	Michael Buckley v. George Brown.	— —	20 Sep. —	ditto - -	10 - -
245	Jean Larue v. Jacques Anglebart.	— —	— —	ditto - -	10 - -
247	John Cullen v. Joseph Keep.	7 Sep. —	14 Sep. —	ditto - -	4 15 3
248	John Cullen v. John Gallon.	— —	— —	ditto - -	7 12 8
249	John Cullen v. Joseph Le Page.	— —	— —	ditto - -	7 15 -
256	John Cullen v. Hubert Bigol.	— —	17 Sep. —	ditto - -	10 11 2
251	John Cullen v. Louis Bourdages.	10 Sep. —	29 Sep. —	ditto - -	11 9 10
252	John Cullen v. Hilaire Poirier.	— —	12 Sep. —	ditto - -	33 - -
253	Daniel Hall v. Alex- ander McNeil.	— —	20 Sep. —	ditto - -	10 - -
254	John Cullen v. Ger- main Oilette.	— —	19 Sep. —	ditto - -	7 5 10 $\frac{1}{2}$

(continued)

Correspondence
respecting
Mr. Thompson.

No.	PARTIES.	When Writs Issued.	When Decided.	By whom Decided.	Sum sued for.
					£. s. d.
255	John Cullen v. Nicolas Buteau.	10 Sep. 1827	19 Sep. 1827	Hon. J. G. Thompson.	9 14 10
258	Jean Larue v. Alexander Huard.	— —	— —	ditto - -	5 1 6 $\frac{1}{2}$
259	John Cullen v. Hipolite De Gouffe.	— —	— —	ditto - -	10 17 2
261	Jean Larue v. Philip Anglebart.	— —	— —	ditto - -	3 9 —
262	Jean Larue v. George Larocque.	— —	— —	ditto - -	1 4 —
263	Joseph Keefe v. Pierre Arbon.	— —	20 Sep. —	ditto - -	2 8 —
265	John Cullen v. Michael Oben.	— —	29 Sep. —	ditto - -	16 2 —
266	John Cullen v. Joseph Fournier.	— —	— —	ditto - -	12 15 6
267	John Cullen v. William M'Kenzie.	— —	— —	ditto - -	50 — —
268	John Cullen v. Charles Bigol.	— —	13 Mar. 1828	ditto - -	61 — —
269	John Cullen v. Joseph Gautier.	— —	18 Mar. —	ditto - -	33 — —
272	John Cullen v. George Forsyth.	— —	20 Mar. —	ditto - -	25 — —
273	John Cullen v. Isaac Bernard.	— —	13 Mar. —	ditto - -	20 19 —
275	John Cullen v. Theophile Bigol.	— —	20 Sep. 1827	ditto - -	5 5 5
276	John Cullen v. Allan Bigol.	— —	— —	ditto - -	10 8 3
278	Robert Sherar v. John M'Adams.	— —	17 Sep. —	ditto - -	9 — —
283	Jacques Larue v. Jacques Anglehart.	14 Sep. —	20 Sep. —	ditto - -	2 6 —
284	John Cullen v. John Assels.	— —	20 Mar. 1828	ditto - -	26 2 —
298	William Carter v. Charlemagne Duguay.	26 Jan. 1828	8 Mar. —	ditto - -	9 19 —
299	Daniel Hall v. Alexander M'Neil.	— —	— —	ditto - -	7 16 —
300	Roger Barret v. Alexander M'Neil.	— —	7 Mar. —	ditto - -	1 7 —
304	George Kimball v. Alexander M'Neil.	25 Feb. —	— —	ditto - -	2 11 3
305	Jean Larue v. Jacques Huard.	— —	— —	ditto - -	— 18 —
307	John Milne v. Alexander Lambert.	— —	4 Mar. —	ditto - -	2 10 —
308	John Milne v. Hector Ross.	— —	6 Mar. —	ditto - -	9 6 6
313	Nicolas Braceur v. Jean Larue.	27 Feb. —	— —	ditto - -	11 — —
314	John M'Inness v. John Conners.	— —	8 Mar. —	ditto - -	6 9 7
317	Robert Pinkim v. Michael Kennedy.	— —	7 Mar. —	ditto - -	11 — —
320	Laurence Keehar v. Jean Larue.	— —	8 Mar. —	ditto - -	4 — —
323	James North v. James Assels.	5 Mar. —	— —	ditto - -	— 10 —
324	Laurence Keehan v. Jean Larue.	— —	— —	ditto - -	3 9 9 $\frac{1}{2}$
236	George Boyle v. Hugh Cunning.	20 Aug. 1827	25 Aug. 1827	ditto - -	74 11 3
235	Germain Dioune v. James Whaling.	— —	24 Aug. —	ditto - -	9 — —
233	Louis Boucher v. Samuel Ray.	18 Aug. —	— —	ditto - -	2 1 —

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Correspondence
respecting
Mr. Thompson.

No.	PARTIES.	When Writs Issued.	When Decided.	By whom Decided.	Sum sued for.
					£. s. d.
230	Louis Boucher v. Baptiste Thivierye.	11 Aug. 1827	20 Aug. 1827	Hon. J. G. Thompson.	5 10 1
120	Germain Dioune v. Barry M'Swiny.	31 July 1826	21 Aug. —	ditto - -	7 1 3
118	Germain Dioune v. Jean Baptiste Coullard.	— —	17 Aug. —	ditto - -	6 9 -
131	Jean Baudin v. John Morrent et al.	9 Aug. —	21 Aug. —	ditto - -	100 - -
132	Thomas Snow v. John Mourant et al.	— —	— —	ditto - -	50 - -
133	Pierre Bienvenue v. John Mourant et al.	— —	— —	ditto - -	70 - -
130	Michael Furlong v. Joseph Stowe Juzo.	11 Aug. —	— —	ditto - -	25 - -
209	Auge Poirier v. Joseph Bodin.	1 Aug. 1827	17 Aug. —	ditto - -	4 1 11
202	Michael Furlong v. Peter Gerrard.	— —	— —	ditto - -	2 17 -
203	Michael Furlong v. James St. Croix.	— —	— —	ditto - -	1 19 -
204	Michael Furlong v. John Poor.	— —	— —	ditto - -	3 - -
207	Michael Furlong v. Thomas Goarman.	— —	— —	ditto - -	6 12 6
208	Michael Furlong v. William Denehay.	— —	— —	ditto - -	5 14 6
210	Michael Furlong v. Stephen Boyle.	— —	— —	ditto - -	11 2 -
212	Isaac Deehene v. Cha. Querioet, jun.	— —	— —	ditto - -	4 10 -
213	Germain Dioune v. Jean Bapt. Thieverye.	4 Aug. —	18 Aug. —	ditto - -	11 2 2
215	François Buteau v. François Gayné.	6 Aug. —	— —	ditto - -	4 12 11
216	François Buteau v. Eli Cass.	— —	— —	ditto - -	9 15 3
217	François Buteau v. Charles Rail.	— —	— —	ditto - -	7 3 3
218	François Buteau v. Joseph Arbon.	— —	— —	ditto - -	4 19 10
219	François Buteau v. Silvestre Rail.	— —	— —	ditto - -	10 17 8
220	François Buteau v. Pierre Alagie.	— —	— —	ditto - -	3 - -
221	François Buteau v. Jean Quemeneau del Lafleur.	— —	— —	ditto - -	10 13 7
222	François Buteau v. Antoine Rail.	— —	— —	ditto - -	3 16 3
223	François Buteau v. Jean Bte. Collin.	— —	— —	ditto - -	8 9 3
224	François Buteau v. François Hayden.	— —	— —	ditto - -	7 13 10
225	François Buteau v. Joseph Quemmean del La Flame.	— —	— —	ditto - -	9 18 6
226	François Buteau v. Jean Coulier Dupré.	— —	— —	ditto - -	9 12 11
227	François Buteau v. Richard Morin.	— —	— —	ditto - -	4 10 6

I do hereby certify, that this list contains all the causes decided in the provincial court remaining when Mr. Justice Thompson came into office, and those issued and decided since.

New Carlisle, 14 April 1828.

A. Bebee, P. P. C.

Correspondence
respecting
Mr. Thompson.

To His Excellency *George* Earl of *Dalhousie*, Baron *Dalhousie* of Dalhousie Castle, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-general and Governor-in-chief in and over the Province of *Lower Canada*, &c. &c. &c.

The Memorial of *John Gawler Thompson*, Esq., Judge of the Inferior District of *Gaspé*,

Respectfully sheweth,

That your Excellency's memorialist received at Paspébiac, on the 28th day of December last, from the Honourable Andrew William Cochran, civil secretary to your Excellency, the letter bearing date the 29th day of November last, whereof a copy accompanies this memorial.

That your memorialist, upon the receipt of the said letter, attempted forthwith to proceed by land to Quebec personally, to justify himself from the unfounded charges which had been made against him in his absence, and apparently supported by evidence which had not been communicated to your memorialist.

Penetrated with gratitude for the favours already conferred by your Excellency upon your memorialist, it was to the last degree painful to him to find that your Excellency had been deceived by designing men, and led to believe that your memorialist had been guilty of most improper conduct.

Your memorialist finding it impossible to travel to Quebec on the winter roads, availed himself of the first opportunity in the spring to come hither personally to defend his honour and his character, and to repel these charges.

Your memorialist hopes that your Excellency will see in this motive an adequate excuse for the temporary absence of your memorialist from this district.

Your memorialist begs leave to lay before your Excellency, with the present memorial, certain papers and documents, from which your Excellency may be led to form some judgment of the weight due to the charges which have been made against him.

In the meantime, and before that full and complete refutation of these charges which your memorialist pledges himself to make, your memorialist humbly solicits leave of absence from his district for the space of 10 days, and that your Excellency will be pleased to direct that copies of all letters, examinations or documents implicating the character of your memorialist, in the possession or custody of the civil secretary of your Excellency, be communicated to your memorialist; and your Excellency, in granting this prayer, will add one additional favour to the multiplied ones for which as well your memorialist as his family lie gratefully indebted to your Excellency.

Quebec, 16 May 1828.

John G. Thompson.

Sir,

Castle of St. Lewis, Quebec, 22 May 1828.

I HAVE not failed to lay before his Excellency the Governor-in-chief, your letter of the 21st instant, and I am directed by his Excellency to acquaint you that it appears to him in so favourable a light as to lead him to the persuasion that the reports in circulation and the statements made to his Excellency, which gave rise to the letter addressed to you by me, by his Excellency's orders on the 29th November last, must have been founded in an erroneous view of your conduct. Under that impression, confirmed by the tenor of the addresses and testimonials presented to you, in terms so creditable to your character, by the persons among whom you have lived and constantly associated, his Excellency feels it but just to decline going further into the subject; and the unfavourable impression being removed from his mind, his Excellency has only now to request that you will resume your duties in the district of Gaspé, to which you will be conveyed in the Kingfisher, if you wish it.

I have, &c.

A. W. Cochrane, Secretary.

His Excellency will see you at any time between twelve and two o'clock to-morrow.

The Hon. Judge Thompson.

A. W. C.

(True Copies.)

John G. Thompson.

Province du Bas Canada, Comté de *Gaspé*.

Aux Honorables, Chevaliers, Citoyens et Bourgeois des Communes de la Province du Bas Canada, assemblés en Parlement, &c. &c.

Nous, les fideles et louyaux sujets de sa Majesté, propriétaires, tenanciers et habitants du comté de Gaspé, dans la province du Bas Canada, craignant que des individus mal intentionnés ne vous aient représenté le comté de Gaspé sous de fausses couleurs, et n'aient créé dans vos esprits des doutes sur la droiture et la sincérité de nos intentions, saisissons, avec empressement, la voie d'une humble requête, pour vous exprimer notre attachement et notre respect pour les trois branches de la législature de cette province, et pour vous assurer, en même tems, que nous n'avons jamais partagé les sentimens, ni participé aux procédés de quelques partisans aveugles de l'administration souvent arbitraire de notre ci-devant Gouverneur Lord Dalhousie.

Et en effet, c'est avec surprise et avec douleur que nous avons appris, après l'expulsion de Robert Christie, écuier, des communes de cette province, que l'élection d'un nouveau représentant,

représentant, qui fût digne de siéger parmi vous, avoit été fixée par l'officier rapporteur, au quinzième jour d'Avril dernier; dans un tems, où il étoit impossible de se transporter au Bassin de Gaspé, où devoit s'ouvrir l'élection, sans exposer sa vie à un danger éminent et nous ne pouvons vous dissimuler qu'une pareille manœuvre n'a été adoptée par les agens dévoués du représentant actuel, que dans la vue d'assurer sa réélection et de le renvoyer au Parlement provincial contre le désir manifeste des communes, et contre le vœu général du comté.

Prévoyant bien le malheur de n'être pas représentés dans la prochaine session du Parlement provincial et les pertes, qui doivent nécessairement nous en résulter, nous ôsons élever la voix, et nous adresser à vous avec confiance, persuadés que votre zèle à promouvoir l'intérêt général de la province, et de ce comté en particulier, vous engagera à jeter un œil favorable sur l'exposé de nos besoins les plus urgens, et que votre sagesse et vos lumières vous suggéreront des remèdes proportionnés à nos maux.

C'est dans cette ferme persuasion que nous avons l'honneur de vous exposer comme griefs ce qui suit.

Grief 1. La vaste étendue du comté de Gaspé, l'accroissement rapide de la population, et particulièrement la diversité des intérêts entre Gaspé et la Baie des Chaleurs nécessitent une division du comté et une augmentation dans la représentation.

2. Les élections du représentant du comté de Gaspé se font à New Carlisle et au Bassin de Gaspé exclusivement, c'est-à-dire, dans la seule partie du comté, ou la maison Robin, dont les intérêts militent contre ceux du comté, exerce une influence indue sur les habitants qui lui sont presque tous endettés et nous exclut, par le fait, de la représentation, en nous privant de l'avantage d'avoir un représentant de notre choix.

3. Depuis le Bassin de Gaspé, jusqu'à l'ance à Beaufils, c'est-à-dire, dans le court espace de douze lieues, on compte jusqu'à dix juges de paix; et depuis l'ance à Beaufils jusqu'à l'au haut de Ristigouche, c'est-à-dire, dans une étendue d'au moins soixante lieues, il ne s'en trouve que quatorze dont un réside dans la province voisine, ce qui forme en tout vingt-quatre juges de paix, dont trois seulement sont Canadiens d'origine Française, quoique les huit neuvièmes de la population soient natifs du pays, et de origine Française.

4. Le mauvais état des chemins, et le manque total de chemins dans plusieurs parties du comté, rendent les communications extrêmement difficiles, gênent le comté dans ses rapports internes, et s'opposent à l'essor de l'industrie.

5. Il n'y a pas une seule traverse régulièrement établie dans tout le comté quoique depuis la Baie de Gaspé jusqu'à Ristigouche, on compte douze rivières, dont trois seulement sont guéables, à mer basse.

6. Les revenus attachés à l'office de grand voyer du comté de Gaspé quoique suffisants pour mettre cet officier en état de remplir ses devoirs avec avantage pour le comté, n'ont jamais produit l'effet attendu.

7. Le comté de Gaspé est la seule partie importante de la province qui soit privée de l'avantage de pouvoir communiquer régulièrement dans ses propres limites, par le moyen des bureaux de poste: privation, que se fait sentir vivement dans ses rapports civils, politiques et commerciaux avec la capitale et les autres villes de la province.

8. Le terme de dix jours pour la tenue des cours supérieures de New Carlisle et de Percé est insuffisant pour la due administration de la justice dans ces deux parties du comté.

9. La juridiction de la cour provinciale du district inférieur de Gaspé est limitée à une somme trop faible, en égard à l'importance actuelle des intérêts du comté.

10. Le commerce du comté de Gaspé avec la mère patrie, et les isles Britanniques, les différends, qui originent de la navigation, et la grande distance, qui se trouve entre les parties importantes du comté et la capitale nécessitent l'organisation d'une Cour d'Amirauté dans le comté.

11. Les quatre résolutions que le représentant actuel du comté de Gaspé s'est efforcé de vous faire adopter quant au mode d'établir une prime sur le poisson, bien loin d'avoir pour but l'intérêt général du comté ne tendent réellement qu'à favoriser quelques individus et particulièrement la maison Robin.

12. Les missionnaires de l'église de Rome, dans le comté de Gaspé sont sans sûretés pour leurs dixmes, et les missions sans moyens coercitifs.

13. L'ordonnance de la 29 Geo. 3, chap. 3, sect. 11 et 12, peut avoir un effet dangereux au district et comté de Gaspé en autant qu'elle est dérogoire à l'ordonnance de la 25 Geo. 3, chap. 2.

14. L'acte provinciale de la 9 Geo. 4, chap. 42, sect. 10, intitulé, "Acte relatif aux Pêches dans le comté de Gaspé," qui accorde un privilège au dernier équipier est extrêmement dangereux au comté parceque les équipiers ne fournissent des provisions de bouche que pendant la saison de la pêche, et que les habitants sont dans la nécessité d'avoir recours, pour leur subsistance pendant huit mois de l'année, à des trafiqueurs, qui n'osent plus leur avancer, à cause de ce privilège de dernier équipier.

15. L'acte provinciale de la 59 Geo. 3, intitulé, "Acte pour assurer les habitants du district inférieur de Gaspé dans la jouissance et possession de leurs terres" ne remédie pas aux maux, que la Législature voulut faire disparaître, et ne donne aux habitants du comté aucun titre translatif de propriété.

16. Les Commissaires appointés, en vertu de l'Acte ci-dessus cité n'ont pas rempli le but de l'Acte, ont laissé les habitants du comté de Gaspé dans un état pire qu'auparavant, et

Correspondence
respecting
Mr. Thompson.

ont cependant exigé d'eux des sommes d'argent considérables, quoique la Legislature eût amplement pourvu aux frais de la commission.

Certified to be a true copy of petition, and signatures thereunto attached.

Wm. B. Lindsay, Clerk Assembly.

New Carlisle, 19 Octobre 1829.

L. S. Malo, Ptre
Ed. Thibaudeau.
William Flowers.
Fabien Poirier.
+ Maximilien Poirier.
+ Julien Gauthier.
+ Philippe Arseneau.
Alexander Bernard.
Felix Poirier.
+ Laurent Bourdages.
+ Joseph Poirier.
+ Frederick Arseneau.
+ Ubaldo Bourq.
+ Eusebe Arseneau.
+ Pierre Bourq.
+ Pierre Babin, fils.
Gregoire Arseneau.
Gilbert Poirier.
John North.
+ Victor Hebert.
+ Laurent Babin.
John Caldwell.
Chr. Cavanaugh, J.P.
Charles Gauthier.
+ Joseph Babin.
+ Alexander Arseneau.
+ Jean P. Arseneau.
Jean B. Lavallee.
+ Pierre Bourdages.
+ Michel Quepy.
+ Alexander Moreau.
+ Jean L. Caillouette.

+ Alexander Bernard.
+ Maurice Cavanagh.
+ Frans. Hebert.
+ Etienne Bigol.
+ Felix Arbon.
+ Philippe Le Page.
+ Fidele Bernard.
+ Jean Hebert.
+ Fidele Babin.
James Caldwell.
Charles Bigol.
Firmin Boyd.
+ Joseph Gauthier.
+ Isaac Bernard.
Jean Baptiste Fresate.
+ Nicolas Poirier.
+ Aimé Arseneau.
+ Louis Gregorie.
+ Jean Tessier.
+ Pierre Arbour.
+ Dominique Le Page.
+ Romain Poirier.
+ Hylaïre Poirier.
Nicollas Cavanaugh.
+ Alexander Voyer.
+ Pierre Poirier.
+ Louis Bourdages.
+ Charles Babin.
Paul Poirier.
+ Leonard Bigol.
+ Jean B. Poirier.
+ Telesphore Poirier.

No. 1. Nous certifions que les signatures ci-dessus et des autres parts sont véritables,

Charles Cavanaugh, J. P. } Temoins au certificat ci-dessus.
E. Thibaudeau.

Bonaventure, 25 Octobre 1829.

G. Bourdages.
+ Nicolas Arseneau.
+ Jacques Fredette.
+ Olivier Bourdages.
+ Louis Le Page.
+ Louis Poirier.
+ Hubert Cavanaugh.
+ Hubert Bernard.
+ Joseph Arseneau.

+ Cyrile Le Page.
+ Francis Bourdages.
+ Jean S. Babin.
+ Joseph Le Page.
+ Felix Bernard.
+ Pierre Maillet.
+ François Paquette.
+ Aimé Poirier.

No. 2. Nous certifions que les signatures depuis le certificat ci-dessus sont véritables,

Felix Poirier. } Temoins au présent certificat.
E. Thibaudeau.

Bonaventure, 25 Octobre 1829.

Robert Smattett.
+ William Garret, sen.
Asa Bebee.
A. Alexander.
Daniel Caldwell.
James Morrison.
James Sawyer.
+ John Duneau.
John Gallant.
Will. Adams.
+ Philippe Rafter.

Edward Caldwell.
Robert W. Kempffer.
William M'Gear.
William Granger.
John Rafter.
× Willam Adams, sen.
Hugh Caldwell.
Charles Caldwell.
John Grebs.
Charles Forest.
× John Thompson.

No. 3. Nous certifions que les signatures depuis le certificat ci-dessus numero deux sont véritables,

E. Thibaudeau. } Temoins au présent certificat.
Robert Smattett.

New Carlisle, 27 Octobre 1829.

Correspondence
respecting
Mr. Thompson.

J. Chisholm.
John Chisholm.
Neil M'Kinon.
Philip Starns.
+ Germain Blais.
James Scott, jun.
+ M. F. Caristie.
Jule Loisel.
+ Lange Joseph.
William Scott.
Thomas Scott.
+ François Lenard, fils.
+ Pierre Hadsenay, fils.
S. Talbot.
John Todd Caldwell.
James Wright.
Andrew Chisholm.
R. J. Sherar.

Thomas Doody.
+ Adam Scott.
James Scott.
+ Peter Lambert.
Mrs. Benjamin Joseph.
Joseph Joseph.
George Beauchamp.
Matthew H. Scott.
+ Manuel Le Brasseur, fils.
+ James Larney.
+ Andre B. Roussi.
David Hall.
+ François Huard.
Philippe Ahier.
+ Nicolas Landry.
Daniel Starnes.
Amos Hall.

No. 4. Nous certifions que les signatures depuis le certificat No. 3 sont véritables,

E Thibaudeau. } Temoins au présent certificat.
J. Chisholm. }

New Carlisle, 29 Octobre 1829.

+ Pierre Babin.
M. Boutin.
+ Michel La Santé
Felix Le Buffe.
+ Antoine Bourdages.
Azariah Pritchard.
Patrick Wallace.
Maurice Power.
+ Melliade Bourdage.
M. Richardson.
+ Joseph Marin.
Ralph Pritchard.
James Casidy.
Amant Cire.
François Serè.
+ Raymond Bourdages.
Jean Le Blanc.
Jean Le Buffe, fils.
Robert J. Pritchard.
François Boutin.
Francis Simmons.
+ Jacques Le Buffe.
Ralph Edward Pritchard.
+ Ambroise Babin.
+ Florens Le Blanc.
+ Antoine, Boule.
+ Jean Bernard Le Blanc.
Owen O'Callaghan.
Joseph Désiré Cire.
John M'Carthy.
+ Jean Sire.
+ Aubin Le Gouffle.
Hugh Robertson.
James Hunt.
+ Duncan Robertson.
+ Louis Cormier.
+ Ephemie Cormier.
+ Aimé Constant Cormier.
Gregoire Le Blanc.
+ Joseph Delorier.
M. P. Dimock.
Patrick Chesser.
Frederick Loubere.
Edouard Badeaux.
+ William Mowat, jun.
H. Polette, J. P.
Robert Barely.
J. M. Tabillon.
+ Fabien Allain.

+ Jean L^t Allain.
+ Paschal St. Ouge.
+ Tranquille Lavolette.
+ Et^{ne} Berthelotte.
Simon Bernard.
Maxime Dugas.
+ Paul Audette.
+ Jean Loubert.
R. W. H. Dimock.
James Dockie.
William Foran.
+ Alexandre Mercier.
+ Joseph Greim.
Hugh Smith.
John Couhlon.
Pierre Le Blanc.
+ Edouard Le Blanc.
+ Nicolas Cormier.
Pr Felix Kiouff.
+ Laughlin M'Cormick.
Patrick Walsh.
Hezekiah Kierstead.
+ William Mowat.
Hilary Michaud.
Joseph Birt.
Joseph Meagher.
Sebastien Landry.
Nicolas Lanchy.
Joseph Caissy.
+ Mathurin Le Blanc.
+ Michel Gauthier.
+ Marcien Audette.
Avillas Le Blair.
+ Benoni Audette.
+ Louis Normandeau.
+ Jean B^{te} Le Blanc.
+ Maxime Audette.
Pierre Day.
+ Joseph Porlier.
+ Hilarion Loubert.
+ Regis Estiembre.
+ Urbain Boudreau.
+ Jean B^{te} Bariau.
+ Pierre Bariau.
Felix Dugas.
Isaac Bernard.
+ Joseph Le Blanc.
+ Lue Le Blanc.
Desiré Sain Coeur.

Correspondence
respecting
Mr. Thompson.

Edouard Bariau.
+ Hypolite Le Blanc.
+ Thadée Le Blanc.
+ Edouard Allard.
+ Joseph Normandeau.
+ Nicolas Damboise.
+ François Guillot.
+ Juliero Levesque.
+ Hely Leveque.
+ Jean B^{te} Audette.
+ Joseph Andette.

Magloire Bernard.
Gabriel Lapointe.
Jacques Auffroy.
+ Frederick Desloriers.
+ Alexis Porlier.
+ Frederick Dugas.
Frederick Arsinot.
+ Hypolite Le Blanc.
+ Laurent Dugas.
+ Bernard Le Clere.

No. 5. Nous certifions que les signatures ci-dessus depuis le certificat numero quatre sont véritables.

E. Thibaudeau. }
C. M. Tabillon. } Temoins au présent certificat.

Carleton, 30 Novembre 1829.

Lazare Bujol.
+ Joseph Landry.
+ John Ward.
+ Eusebe Arseneau.
Joseph Gaqué.
+ Etienne Berthelot, pere.
Frederick Gigel.
Urbain Laviolette.
+ Jean Laviolette.
+ Joseph Debigarre.
Hippolite Gaquée.
+ Zenou Laviolette.
Joseph Arsenaut.
+ Jacques Berthelot.
+ Pierre Berthelot.
B^t Chaput.
+ Romain Bigol.
+ Jules Allard.
+ François Parent.
+ Hubert Le Blanc.
+ Jean Le Blanc.
+ Jean Parent.
J. B. Landry.
+ François Belanger.
+ Isaac Le Blanc.
+ Marcel Breton de Girard.
J. E. Man.
+ Pierie Johnson.

+ Jean Porlier.
Jean Gauveau.
Pierre Gaqué.
+ Joseph Berthelot.
+ Lazare Allain.
+ François Laviolette.
+ Joseph Laviolette.
+ Isai Boudreau.
+ Aimé Allain.
Florant Arsenod.
+ Polycarpe Nadeau.
+ John Berthelot.
Frederick Jam.
Colin M'Lennan.
+ Fabien Bigol.
+ Paul Eusebe Johnson.
+ Luc Johnson.
+ Joseph Bugol.
+ Paul Johnson.
Hilaire Jeue Dez.
Fabien Allin.
Bernard Loubert.
+ Louis Guillot.
Joseph Leblance.
+ F. A. Le Blanc.
Frederick Allard.
John M'Taggart.

No. 6. Nous certifions que les signatures ci-dessus depuis le certificat numero cinq sont véritables.

E. Thibaudeau. }
H. Poulette, J. P. } Temoins du présent certificat.

Carleton, 2 Décembre 1829.

+ Vincelas Le Blanc.
+ Nicolas Normandeau.
+ François Boudreau.
+ Joseph Sainton.
+ Aimé Estiembre.
+ Joseph Le Blanc.
Patrick Meagher.
+ Laurent Normandeau.
+ Josue Le Blanc.
+ Joseph C. Le Blanc.
+ Lazare Mercier.
Joseph Landry.
+ Charles Porlier.
+ Félix Porlier.
+ Pierre Audette.
+ Gabriel Audette.
+ Hypolite Porlier.
+ Augustin Goulet.
+ Louis Allaire.
+ Louis Estiembre.

+ Romain Boudreau.
+ Louis Normandeau.
+ Pierre Estiembre.
André Dugas.
+ Pierre Bariau.
Benjamin Le C. Lane.
+ Clete M. Le Blanc.
+ Pierre Mercier.
+ Charles Le Blanc.
+ Pierre Landry.
Joseph Porlier.
+ Heli Le Blanc.
+ Joseph Audette.
Fabien Fougere.
+ Jean Goulet.
Napoleon Landry.
Charles Forest, J. P.
+ Amateur Henry.
C. Arbon.
Robert Caldwell.

Samuel Chatterton.
David Poinere.
Peter Lynd.

Captain de Mibie.
Robert Sherar.

Correspondence
respecting
Mr. Thompson.

No. 7. Je certifie que toutes les signatures ci-dessus depuis le certificat numero six sont véritables.

E. Thibaudeau, Temoin au présent certificat.

New Carlisle, 29 Décembre 1829.

(D.)

Sir,

Castle St. Lewis, Quebec, 11 February 1831.

I AM commanded by his Excellency the Governor-in-chief to transmit you the enclosed petition from several inhabitants of Percé, in the district of Gaspé, praying that an Indian (named Jean Jennot Pamliote) who they state has been confined in the Percé gaol for more than a year, on suspicion of being an incendiary, may be brought to trial, and representing also the want of additional magistrates in that part of the country, and to request you will report thereon for his Lordship's information.

I have, &c.

The Hon. Mr. Justice Thompson, Gaspé.

(signed) *J. B. Glegg*, Secretary.

To His Excellency the Right Honourable Lord *Aylmer*, Governor and Commander-in-chief of all His Majesty's Forces in the Provinces of *Lower* and *Upper Canada* and their dependencies, Administrator of the Government, &c. &c. &c.

The humble Memorial of the undersigned principal inhabitants of Percé, in the district of Gaspé, province of Lower Canada,

Humbly sheweth,

THAT Jean Jennot Pamliote, an Indian, committed on the 26th August 1829, to His Majesty's common gaol at Percé, by James Crawford, esq., one of His Majesty's justices of the peace for the said district of Gaspé, on suspicion of being an incendiary, in the house of André Lagorgendiere (also an Indian) at Gaspé Basin, and likewise on the oath of George Boyle, esq., as a dangerous person to be at large.

That the said Jean Jennot Pamliote has been detained a close prisoner in the said gaol, from the date of his commitment until the present day, on the gaol allowance, without being brought to a trial, although a court of judicatory was held at Douglas town, in the said district, in the month of August last. The court of sessions, which should have been previously held at Percé in the same month, was passed over for want of a quorum.

That the prisoner, through long confinement (though receiving uniformly much from the humanity of the gaoler), is ill and crippled from cold, owing to the neglect of the sheriff of the district in not procuring stoves, or causing them to be placed in such a manner as to convey some heat into the cells, and making rules for the interior order and police of the gaol according to law.

Therefore your memorialists humbly pray your Lordship to take the prisoner's case into consideration, to the end that he may the sooner be brought to a trial. This wholly from a principle of justice and humanity, and that His Majesty's liege subjects may not in future be liable to the same cruel treatment and unlawful detention.

Your Lordship's memorialists also humbly beg to submit, that the want of two or more magistrates in this place and neighbourhood (a distance of upwards of 20 leagues of coast, and comprising a population exceeding 3,000 souls), is amongst the most pressing wants, inasmuch as the road and other laws cannot be put in force, and that the amelioration of the country is thereby greatly retarded.

And your memorialists, as in duty bound, will ever pray.

Percé, 21 December 1830.

James Le Blond.
Edouard Trachy.
James Rooney.
John Le Brocq.
John Beaker.
Lf. D. Boucher.
Jacques Labbé.
James Tostevin.
Jasper Morris.

John Le Boutellier.
Patrick O'Brien.
Edmund Flynn.
Patrick O'Connor.
Thomas Moriarty.
Michael Furlong.
Victor Mignault.
J. B. M'Mahon, Ptre.

Correspondence
respecting
Mr. Thompson.

Sir,

Castle St. Lewis, Quebec, 30 April 1831.

THE accounts of the sheriff's expenses of the district of Gaspé, for the last two years, not having been received, and frequent complaints made by individuals who have not been paid for sundry articles supplied for the use of the gaol, I am directed by his Excellency to request you will demand from that officer his reasons for having so long neglected to comply with the regulations established in that respect, of rendering his accounts half-yearly. I am also desired by his Excellency to acquaint you that he (the sheriff) has not called for any monies on account of his contingent expenses for the last two years.

I have, &c.,

Hon. Mr. Justice Thompson, Gaspé.

J. B. Glegg, Secretary.

Sir,

Paspébiac, 22 June 1831.

ON my return from Quebec, I found on my table a letter from the civil secretary, dated 30 April last, stating that the accounts of the sheriff's expenses of the district of Gaspé, for the last two years, not having been received, and frequent complaints made by individuals who have not been paid for sundry articles supplied for the use of the gaol, that he was directed by his Excellency the Governor-in-chief to request that I would demand from you your reasons for having so long neglected to comply with the regulations established in that respect, of rendering your accounts half-yearly; I therefore beg that you will communicate your reasons, as above required, previous to my leaving this for Carleton, so that I may be enabled to comply with his Excellency's request.

I have, &c.,

James F. Winter, Esq. Sheriff,
District of Gaspé.

John G. Thompson.

Honourable Judge,

Paspébiac, Sheriff's-office, 25 June 1831.

I HAVE the honour to acknowledge the receipt of your letter, dated 22d instant, in reply to which I respectfully submit what follows:

That, as a British subject, and as a sheriff of His most Gracious Majesty, the King of Great Britain and Ireland, I do not conceive that the vast legal powers with which your honour is invested, powers which, by the laws and constitution of Canada, must be distinct and separate, both from the executive and legislative powers, and that in such a degree and manner that their anomaly or heterogeneous union may not even be suspected; I repeat it, that I do not conceive that the vast legal powers with which your honour is invested can either authorize or justify you in intervening or meddling with the matter contained in the letter from the executive mentioned in yours.

Let your Honour only recollect that I am the defendant in a cause actually pending in the honourable His Majesty's provincial court, founded on pretended causes of complaint, to which you allude in your above-mentioned letter, complaints, whether founded or unfounded, on which your Honour will have to decide judicially. As sheriff, I cannot be ignorant, that if at any time I should knowingly and voluntarily act an unconstitutional part towards His Majesty's Government, the executive of Lower Canada will not be at a loss, by legal and constitutional means, to compel me to respect and execute those laws which I am most particularly and emphatically bound to observe. In this supposition, might not your Honour, as judge, be called upon for an opinion by His Majesty's representative? might you not be constitutionally consulted in such matters?

Convinced also that, as sheriff, my only duties towards His Majesty's provincial court for the inferior district of Gaspé are to respect, maintain and support its authority, and to execute its legal orders and decrees, I believe I would act an unconstitutional part, and derogate from those duties, were I particularly and circumstantially to answer your Honour's letter, as I cannot be persuaded that John Gawler Thompson, esq., from whom I have received the above-mentioned letter, is any other than the Hon. John Gawler Thompson, provincial judge for the inferior district of Gaspé. But, from respect for his Excellency's request, I have the satisfaction to inform your Honour that I have; previous to the receipt of your letter, had the pleasure to obey his Excellency's commands in this respect, as promptly as adventitious circumstances have permitted.

I have, &c.

J. Ferguson Winter, Sheriff, District Gaspé.

To the Hon. John Gawler Thompson,
Provincial Judge for the Inferior District of Gaspé.

Sir,

New Carlisle, 10 July 1831.

I HAVE the honour to acknowledge the receipt of your letter of the 30th April last, which reached me on the 19th June following, communicating his Excellency's commands to demand from the sheriff of this district his reasons for having so long neglected to comply with the regulations established respecting the rendering his accounts half-yearly, his accounts of the expenses of this district for the last two years not having been received, and frequent complaints made by individuals who have not been paid for sundry articles supplied for the use of the gaol.

In compliance with his Excellency's commands, I wrote to the sheriff and received his answer, which answer, together with a copy of my letter to him upon that subject, I herewith inclose.

I have, &c.

John G. Thompson.

To J. B. Glegg, Esq.,
Civil Secretary, &c. &c., Quebec.

To the Honourable John Gawler Thompson, Provincial Judge for the Inferior District of Gaspé.

The humble remonstrance of the undersigned principal inhabitants of Percé, in the county of Gaspé,

Most respectfully represents,

THAT the undersigned feel with deep regret, that notwithstanding their former remonstrance respecting the imperfect and extraordinary state of the gaol at Percé, in the county of Gaspé, and the unwarrantable conduct of the officer of the Crown charged *ex officio* with the superintendence thereof, the evils thus become the just subject of complaint, so far from being remedied, are daily on the increase, and would call for prompt redress.

That the above abuses, endangering the lives of His Majesty's liege subjects, and bringing justice into disrepute, are deducible from the following causes, is sufficiently manifest.

1. That James Ferguson Winter, Esq., sheriff of the inferior district of Gaspé, has hitherto wantonly neglected to purchase stoves and other indispensable necessities and arms for the use of the said gaol.

2. That the biscuit which the said sheriff furnished last autumn to the said gaol was manifestly unwholesome, and such as is not eatable.

3. That the prisoners who have been hitherto committed to the said goal have endured in winter the most extraordinary privations; nay, one of them, melancholy to relate, died lately of cold, after a detention of 20 months on suspicion of felony, without trial, although a court of quarter-sessions was held at Douglas town, in the said county, 12 months after his commitment, and would have starved but for the extreme humanity of the present gaoler and neighbours.

4. That the said sheriff has hitherto neglected to cause the apprehension of three burglars who were regularly committed last winter to the said gaol, and who broke out thereof after about two months' detention, and have ever since remained unmolested in their county, to the evil example of youth, and the injury of the public justice, which they actually set at defiance.

5. That the said sheriff has as yet neglected to make rules for the interior police of the said gaols, and to account upon oath on the first juridical day of every term, as required by law.

6. That the said sheriff is irregular and false in his returns, to the serious damage and loss of the parties, few having the means of meeting the enormous expenses consequent on multiplied suits, which would create amongst the people a disgust for the courts themselves.

7. That the said inhabitants apprehend much of the neglect of the said sheriff arises from a want of means, obstinacy and a too precarious credit, and have therefore no confidence in him, while, at the same time, the security held out by the bail-bond is only personal.

Wherefore the said inhabitants, justly entertaining the highest respect for your Honour, your regard for justice and wish to promote the ends thereof, request that you will be pleased to forward these their grievances to the proper authority, to the end that the said sheriff may be dismissed from office, as he has not well and truly demeaned himself in the execution of the duties thereof according to law.

Percé, county of Gaspé, 28 November 1831.

Correspondence
respecting
Mr. Thompson.

Sir,

Castle St. Lewis, 30 January 1832.

I HAVE the honour to acknowledge the receipt of your letter of the 24th ult., inclosing a petition from several inhabitants of Percé, representing the bad state in which the gaol at that place is kept, complaining of F. Winter, Esq., sheriff of the district of Gaspé, and praying that he may be removed from office. Having submitted this petition to his Excellency the Governor-in-chief, I have received his commands to transmit to you a copy thereof, which I inclose, and to request you will transmit the same to the sheriff, calling upon him at the same time to answer within 14 days to the allegations contained in the said petition, failing to do which his Lordship will consider that he has nothing to advance in refutation of those allegations, and shall proceed to act accordingly. I need scarcely add my request, that you will report the result of the communication you are requested to make in this matter for his Lordship's information.

I have, &c.

Hon. Mr. Justice Thompson.

H. Craig, Secretary.

Sir,

Castle St. Lewis, Quebec, 6 February 1832.

WITH reference to my letter of the 30th ult., requesting you to communicate to James F. Winter, Esq., sheriff of the district of Gaspé, the copy of a petition addressed to yourself by several inhabitants of that district, and which you forwarded for the information of his Excellency the Governor-in-chief, being a complaint against the official conduct of that officer, and requesting you to call upon him for an answer in refutation of what was alleged against him, I have received the commands of his Lordship to transmit to you the inclosed copy of another petition since received from several inhabitants of the county of Gaspé; also complaining of the official conduct of the sheriff, and praying for his suspension from office, which I am to request you will in like manner communicate to Mr. Winter, and acquaint me with the result for his Lordship's information.

I have, &c.

Hon. Mr. Justice Thompson,
New Carlisle.

H. Craig, Secretary.

To His Excellency the Right Honourable Lord Aylmer, Governor-in-Chief, &c. &c. &c.

The humble petition of the undersigned inhabitants of the county of Gaspé,

Most humbly sheweth,

THAT by the provincial statute regulating the office of sheriff, that officer is obliged to account upon oath on the first juridical day of every term of the courts in the several districts of this province, that accounting so, at short intervals, monies should not accumulate in the hands of that officer.

That notwithstanding such enactment, your Excellency's petitioners regret to say, that James Ferguson Winter, Esq., the sheriff of the inferior district of Gaspé, has wantonly absented himself from the courts held in this county during the two terms last past, comprising the period of two years.

That the said sheriff not having accounted for so long a period, it is a contempt and great injustice, and your petitioners apprehend that the security given to the public by the bail-bond is adequate.

That the said sheriff has neglected his duty towards the gaol of this county to such a degree as to endanger the lives of the prisoners, who have been, in winter, committed to the said gaol, to the discredit of the Government and the indignation of all the world.

That the prisoner, viz. Peter Gasgnier, actually detained in the said gaol (as the late Indian was), endures such privations as call for this representation of the neglect and inefficient conduct of the said sheriff in procuring stoves, biscuit and other minor necessities required for keeping the said gaol and prisoners.

Wherefore your petitioners humbly pray that your Excellency will be graciously pleased to take the premises into consideration, to the end that the said sheriff may be suspended from office, or in such other manner as in your Excellency's wisdom may seem fit.

And your Excellency's petitioners, as in duty bound, will ever pray.

County of Gaspé, 24 December 1831.

158 Signatures,

367
Correspondence
respecting
Mr. Thompson.

Sir,

Paspébiac, 28 February 1832.

I RECEIVED by yesterday's mail a letter from Mr. Secretary Craig, referring to his previous letter of the 30th January last, communicated to you in mine of the 20th instant, transmitting a copy of another petition subsequently received from several inhabitants of the county of Gaspé, complaining of your conduct as sheriff of this district, and praying for your suspension from office, requesting me to communicate the same to you, and acquaint him with the result, for his Lordship's information.

I therefore inclose the copy of the petition transmitted to me, satisfied that you will send me an answer thereto without delay.

I have, &c.

James Ferguson Winter, Esq., Sheriff,
District of Gaspé.

John G. Thompson.

Sir,

Paspébiac, 20 February 1832.

I YESTERDAY received a letter from Mr. Secretary Craig, dated 30th January last, enclosing a copy of a petition of several inhabitants of Percé, complaining of the state of the gaol at that place, and of your conduct as sheriff of the district of Gaspé, requesting me to transmit the same to you, and to call upon you, at the same time, for an answer within 14 days to the allegations contained in the said petition; failing to do which, his Lordship will consider that you have nothing to advance in refutation of those allegations, and will proceed to act accordingly.

I therefore enclose the said copy of a petition, and request you will send me your answer within the time prescribed, as his Lordship expects from me a report of the result of the present communication.

I have, &c.,

James Ferguson Winter, Esq., Sheriff,
District of Gaspé.

John G. Thompson, P. J.

Dear Sir,

10 March 1832.

THE letters which I communicated to you on the 20th and 28th February last, being official communications from his Excellency Lord Aylmer, ought to have been answered before this, but having been informed that your health has been anything but well for the last month, I have not yet answered them. I trust you will be able to do so before Thursday next, as I then must report upon them.

Yours truly,

J. G. Thompson.

Dear Sir,

Paspébiac, 11 March 1832.

YOUR note of yesterday is just handed me. My fresh attack of the epidemical disease, so current this winter in the district, has been the cause of my delay in answering yours of the 20th ultimo. I sent you a note informing you thereof the 4th; since that time (the receipt of yours) I do not think I have been more than one full day able to write; I am now better, and have got up regularly these two days, but being so weakly, and the answer to his Excellency, to be transmitted through you, requiring great attention, it will take me a little time. I began it Friday afternoon, and did very little, but rather more yesterday. You shall have it without any wilful delay.

I have, &c.,

Hon. John G. Thompson, Judge,
District Gaspé.

J. Ferguson Winter, Sheriff, District Gaspé.

Sir,

Paspébiac, 15 March 1832.

YOUR letter of the 20th and 28th ultimo I received on the following days, each covering a petition from Mr. John Le Boutillier, of Percé, with several signatures, alleging numerous complaints against me, as sheriff of the district of Gaspé.

For the cause of the delay in my answer, I beg leave to refer you to my notes of the 4th and 11th instant. Your note of the 10th instant to me, as well as your letter above-mentioned,

Correspondence
respecting
Mr. Thompson.

mentioned, show me that your orders from his Excellency for prompt answers are peremptory and limited as to time.

These petitions, though grounded upon falsehoods, and agitated by malice, deserve and require particular answers, only because they are communicated by his Excellency the Governor-in-chief's command.

The same cause which I assigned to you the 11th instant, my bad state of health, has to this time yet prevented me from giving such answers as will fully justify me, and satisfy his Excellency; therefore, as I find you are limited for time in your answers, lest you should incur any blame, I think it necessary, for the present, to give the following short answer, reserving to myself the right of answering more particularly within 15 days.

In answer to the petitions, dated Percé, county of Gaspé, 28th November 1831, and county of Gaspé, 24th December 1831, I have, for the present, merely to state that they are false, and that I altogether and entirely deny the allegations therein contained and alleged against me.

I am convinced that most of the allegations, though fundamentally false, will require explanation, such as the bad biscuit, &c. &c. I therefore reserve myself the right of giving his Excellency a more ample and satisfactory answer to the aforementioned petitions within a fortnight.

I have, &c.

J. Ferguson Winter, Sheriff, District Gaspé.

The Hon. John Gawler Thompson, Judge,
District Gaspé, Paspébiac.

Sir,

New Carlisle, 16 March 1832.

I HAVE the honour to acknowledge the receipt of your letter of the 30th January last, which reached me on the 19th ultimo, enclosing a copy of a petition of several inhabitants of Percé, representing the bad state in which the gaol at that place is kept, and complaining of the sheriff of this district, praying that he may be removed from office; also communicating his Excellency's commands that I should transmit the same to the sheriff, calling upon him, at the same time, to answer within 14 days to the allegations contained in the said petition; failing to do which, his Lordship would consider that he had nothing to advance in refutation of those allegations.

In compliance with his Lordship's request, I wrote to the sheriff upon the subject, and enclosed your certified copy of the petition; his answer, and the correspondence connected with it, I enclose for the information of his Lordship.

I have, &c.,

Lieut.-Colonel Craig, Civil Secretary,
&c. &c.

John G. Thompson.

(True copies.)

John G. Thompson.

(E.)

Sir,

Castle of St. Lewis, Quebec, 25 April 1829.

I HAD yesterday the honour to receive your letter of the 11th March, requesting to be allowed to visit your family at Quebec on the opening of the navigation, and also to adjust some private affairs, representing also that no inconvenience would result from your absence, as you proposed returning to your post on the 4th or 5th of June, and the courts do not commence before the beginning of July; and I am directed to acquaint you that, under those circumstances, his Excellency has no objection to your proceeding to Quebec, and I am to convey to you the necessary permission accordingly.

I have, &c.,

The Hon. Mr. Justice Thompson.

C. Yorke, Secretary.

Sir,
 HAVING submitted to his Excellency the Governor-in-chief your letter of the 3d instant, requesting leave of absence for three or four weeks in May next, I have the honour to acquaint you that his Lordship has been pleased to accede to your request.

Correspondence
 respecting
 Mr. Thompson.

The Hon. Mr. Justice Thompson.

I have, &c.,
H. Craig, Secretary.

Sir,
 HAVING submitted to his Excellency the Governor-in-chief your request for leave of absence for two or three weeks, to proceed to Quebec on private affairs, I have the honour to inform you that his Lordship has been pleased to accede to your request.

The Hon. Mr. Justice Thompson.

I have, &c.,
H. Craig, Secretary.

Sir,
 I HAVE not failed to lay your letter, of the 27th ultimo, before his Excellency the Governor-in-chief, and I have great pleasure in communicating to you that his Lordship has been pleased to accede to your request, and to grant you leave of absence for three weeks in the month of May next.

The Hon. Mr. Justice Thompson,
 New Carlisle.

I have, &c.,
H. Craig, Civil Secretary.

(True copies.)

John G. Thompson.

(F.)

EXTRACT from the *Quebec Gazette* of 16 April 1834.

"WE understand that orders have been given to make out the warrants for the payment to all the public officers of another quarter's salary."

(True copy.)

John G. Thompson.

(G.)

Petition.

Tuesday, 4 October 1836.
 On the said Summary.

BENJAMIN HENRY LEMOINE, of the city of Quebec, esquire, merchant, aged 25 years, a witness produced and sworn, and to the facts stated in the said summary petition, saith: I sailed in the schooner *Agnes*, from Quebec to the West Indies, in the month of June 1834, and know the promoter, who sailed in the said schooner on the said voyage. He appeared on the ship's articles as mate of the said schooner, but he acted on the said voyage in every respect contrary to what deponent considers a mate ought to act, as he was mutinous, and threatened to thrash the captain. Deponent cannot recollect what the amount of wages was for which the promoter signed the ship's articles, but believes it was four pounds currency per month. The voyage of the said schooner from Quebec continued about 53 days. Deponent sold her cargo in St. Vincent, consisting of fish, flour and pork, and other articles. The schooner remained at St. Vincent 22 days, and, after having taken in a cargo of rum, proceeded for Quebec on the 5th of September, and after a lapse of about 39 days, the said schooner made the harbour of Malbay in distress, and was stranded there on or about the 18th of October 1834. During the whole of the said voyage the promoter was on board the said schooner. The promoter, during the said voyage, was not obedient to the lawful commands of the master of the said schooner, but continually disobeyed his orders, and was mutinous, and refused to keep a log on the voyage home, and was, in deponent's opinion, incapable of doing so from continual drunkenness.

In deponent's opinion the promoter is an habitual drunkard. After the said schooner had been stranded at Malbay, in the inferior district of Gaspé, the promoter worked at saving the wreck.

B. H. Lemoine.

Repeated and acknowledged before the Worshipful Henry Black, Esq., 7 October 1836.

Present, *W. Power*, Reg.

Same day, 4 October 1836, same Witness examined on cross interrogatories given in by Aylwin.

The witness was admonished as required, and answered,

To the 1st Interrogatory.—I have seen the original of the protest now shown to me, and marked as defendant's exhibit No. 1. The same exhibit is, to the best of my knowledge, a true copy of the original, which I have seen.

Correspondence
respecting
Mr. Thompson.

To the 2d Interrogatory.—I have perused the said protest, and know the contents thereof to be true, and am satisfied that, from the advanced state of the season, there being upwards of a foot of snow on the ground at the time, and no possibility of saving either the cargo or vessel, the captain and crew had no other alternative left them than to proceed as mentioned in the protest.

To the 3d Interrogatory.—I am acquainted with the handwriting and signature of John Bessin, the promoter in this cause, and have often seen him write, and the letter now shown me and filed as the defendant's exhibit No. 2 in this cause, and subscribed with the promoter's name, is in the handwriting of the said John Bessin, the promoter, and the signature, "John Bessin," set and subscribed to the said letter, is also in the handwriting and the proper signature of the said John Bessin.

To the 4th Interrogatory.—I am acquainted with the signatures of Amasa Bebee and John Wilkie, prothonotary of the provincial court of the district of Gaspé, and know their signature; and the signature "Beebe and Wilkie, P.P.C.," set and subscribed to the defendant's exhibit No. 3, now shown me, and purporting to be office copies of proceedings in a cause wherein John Bessin was plaintiff, and John Taylor defendant, and Charles Verdon and Samuel Colas were tiers saisis, is the proper signature of the said Bebee and Wilkie, everywhere the same appears in the said office copies, and of the proper handwriting of the said Amasa Bebee and John Wilkie, as prothonotary of the said provincial court.

To the 5th Interrogatory.—The promoter, Bessin, was mutinous, he refusing to obey the orders of his captain; he threatened the lives of the passengers, and was for several days after leaving the West Indies in a state of beastly intoxication.

To the 6th Interrogatory.—The promoter left the vessel after she was stranded, and, in my opinion, perfectly satisfied; and at the time of the stranding of the vessel perfectly agreeing with the captain and crew in the necessity of the case, namely, in considering the vessel a total wreck, in so far that he requested of me a recommendation, as he intended immediately to proceed to Quebec, so as to procure himself a berth to proceed to Europe the same fall.

To the 7th Interrogatory.—The said schooner was wrecked about the 18th October 1834, in the harbour of Malbay; she has never been navigated since, but was floated off (on being lightened of her cargo) some time after she had been wrecked; she now lies, and has since the fall of 1834 lain at the head of the harbour of Malbay.

To the 8th Interrogatory.—The promoter, to my knowledge, has received in part his wages, but I cannot state the sum paid him. Further, the deponent saith not, and hath signed.

B. H. Lemoine.

Repeated and acknowledged before the Worshipful Henry Black, Esq., 7 October 1836.

Present, W. Power, Reg.

Certified that this and the five preceding pages contain a true copy of the original deposition of Benjamin Henry Lemoine, remaining in the registry of the Vice-Admiralty Court at Quebec, in a cause wherein John Bessin was the promoter against the schooner Agnes, John Taylor, master, defendant.

W. Power, Registrar.

Quebec, 2 Nov. 1836.

(H.)

To the Honourable the Knights, Citizens and Burgesses of *Lower Canada*, in Provincial Parliament assembled.

THE petition of the undersigned inhabitants of the counties of Bonaventure and Gaspé in the inferior district of Gaspé,

Humbly represents,

That several of your petitioners have, at the last election for the county of Bonaventure, supported Joseph François Deblois, esq., one of the members representing the said county in the present provincial parliament.

That your petitioners have learned with astonishment, that the said Joseph François Deblois, as well in his own name as in his capacity of representative of the people, and in the name of the inhabitants of the district of Gaspé in general, hath presented a petition to your honourable house, complaining in severe and unmeasured language of the conduct of the Honourable John Gawler Thompson, judge of the provincial court for the inferior district of Gaspé.

That several of your petitioners have been, and are at present, suitors in the provincial court, either as plaintiffs or defendants; and in justice to the said judge, they beg leave to state to your honourable house, that they have always had entire confidence in the decisions of the said Honourable John Gawler Thompson, whose integrity, uprightness and impartiality have never been questioned by your petitioners or the inhabitants of the district of Gaspé; and as a strong proof of the truth of this allegation, they beg leave most humbly to submit to your honourable house, that notwithstanding that the said Honourable John Gawler Thompson hath been judge of the provincial court for the said district of Gaspé for upwards of eight years, that more than 2,000 cases have been decided by the said honourable judge during

during that period, and, that though by the judicature bill of the said district an appeal lies from the said court to the Court of King's Bench for the district of Quebec, yet there has never been one single judgment rendered by the said honourable judge, reversed, although the said Joseph François Deblois has been a practitioner in the said court during the whole of the said period, and for seven years has been concerned in almost every contested suit.

That your petitioners, actuated solely by a sense of justice, reject with indignation that part of the petition of the said Joseph François Deblois which accuses in their name, and as the representative of the people, the said judge of natural imbecility; of insufficiency in point of intelligence, character and sagacity; of a want of decency and dignity in his conduct; of aversion for, and a general incapacity to execute his important duties; of neglect, ignorance and contempt for the laws of the country; of being partial, capricious, arbitrary and vindictive; of using his power as judge to satiate his passions, and rendering it an instrument of vengeance; of illegally refusing to act in his capacity of judge; of fettering and even stopping the course of justice; of granting unto those whose interests he wished to advance an unjust protection; of threatening several of His Majesty's subjects with his resentment; of interfering at the last general election, and of not holding several terms of the provincial court for the said district of Gaspé. Your petitioners, therefore, beg leave to assure your honourable house that all the foregoing complaints against the said Honourable John Gawler Thompson are unfounded, unjust, libellous, false and calumnious.

That the fact of this, the petition of men totally disinterested, is sufficient to convince your honourable house of the esteem in which the said Honourable John Gawler Thompson is held in the district of Gaspé, of the perfect confidence which the said inhabitants have in the said provincial court, and in the integrity, honour and legal attainments of the said provincial judge.

Wherefore your petitioners beg and entreat your honourable house not to decide upon the petition of the said Joseph François Deblois before a full and entire investigation of the matters of complaint therein contained, and trust that your honourable house will be pleased to examine not only such witnesses as may be produced by the said Joseph François Deblois in support of his petition, but also such other witnesses of integrity, respectability and impartiality as will be brought forward by your petitioners, so that ample justice may be rendered to all parties, and that your honourable house will not be accessory in depriving your petitioners and the loyal subjects of His Majesty in the district of Gaspé of the services of an individual whom they highly respect and esteem.

And your petitioners, as in duty bound, will ever pray.

New Carlisle, 2 January 1836.

Farq^r M'Rae, sen., J. P., district Gaspé.
William Carter, justice of the peace.
M. Sheppard, sheriff, district Gaspé.
John Donaldson, proprietor.
Alexander Campbell, Kinmore mill.
Robert K. Fitton, surgeon.
Elias Le Bas, merchant.
William Day.
John Wilkie, P. P. C.
A. Bebee, P. P. C.
Fabien Allin, propriétaire.
James Neilson, bailiff, P. C.
William Mann, farmer.
Patrick + Synnett, - proprietor.
Daniel + Duguay - —
Neib + M'Kinnon - —
James Trevers - - —
James Almend - - —
Jean + Larocque, fils - —
David Smith, sen. - —
James Rooney, J. P. - —
Thomas Moriarty - - —
George Balleine.
Elias Dela Perrelle.
Hypolite + Tuthano.
Charlemagne + M'Gennis.
George + Molloy, sen.
Edouard + Chalifour.
Luke Mulloy.
George Mulloy, jun.
James R. Cotton, surgeon.
Tranquil Duguy.
Messie + Bourget.
John + Arbon.
Joseph + Dugay.
P. Tranquil.
Lewis Clouquet.

François Dubois, sen.
François Dubois, jun.
Dennis M'Antey.
Horrance M'Cartey.
Flourence M'Carthy, jun.
Donal M'Carthy.
Owen M'Cartey, jun.
Jeremiah M'Carthy.
Owen M'Cartey.
Thomas Costallo.
Flourence O'Leary.
Jean Dugay.
Nicolas + Frélatie.
Michael Dennehy.
Abraham Treechay.
Charles Bourget.
Peter Mabe, jun., proprietor.
James Darmott.
Thommish Smith.
Edward Mabe, proprietor.
Richard Francis —
Peter Mabe, sen. —
Hugh Francis.
John Buchley.
Joseph Le Flam, proprietor.
Samuel Oppin.
Peter Vibert, proprietor.
James + Henley —
James + Erin.
Thomas Tap, proprietor.
John Henly.
Henry B. Johnston, justice of the peace.
Charles Verdon —
William Baker.
William Macoy, proprietor.
Isaac Kennedy, jun. —
Michael Kennedy —

Correspondence
respecting
Mr. Thompson.

James Costalo	proprietor.
James Kennedy	—
Thomas Kennedy	—
John Johnston	—
Richard Gaul	—
Henry O'Hara	—
T. Johnston	—
Henry Mann	—
Mathew Toley	—
Henry Spruen	—
Thomas Walsh	—
George M'Donald	—
Nicolas M'Cabe	—
Matthew Pounden	—
Thomas Walsh	—
Charles Roomy.	—
Alexandre Chouinard.	—
Charles Chouinard.	—
Charles Blanchet.	—
John Wafer.	—
Ph. Bisson.	—
Jean Bap. Baudains.	—
Pierre Setiver.	—
Joseph Noel.	—
Alexy Blais.	—
Charles Metotte, fils.	—
Raphel Dubé.	—
Felix Baudains.	—
Michel Baudains.	—
Philippe Lauglois.	—
Pierre Bari.	—
John Baudains.	—
Patrick O'Connors.	—
Richard Fanary.	—
George Leatty.	—
Andrew + Ouettette.	—
Alexis Dan.	—
Jacques Dan.	—
Jean Hangin.	—
Charles Prous.	—
Jean Nicles.	—
Prudent E. Blanc.	—
Pierre Le Moignan	—
Paul Morneau.	—
Philip Le Marquand.	—
William Furguson.	—
Michael Kennis.	—
John Callighan.	—
James Shennick.	—
Joseph Metotte, fils.	—
John Hagan,	proprietor,
John Cean	—
Barnard Grave	—
Mohu Secret	—
William Hoyd	—
Francis + Dovide	—
Dasere + Dovide	—
John + Lambret	—
Alexander + Dovide	—
Benjamin + Grenoa	—
Descata + Grenea.	—
John + Grenea.	—
Joseph + Grenea,	proprietor.
Joseph Grenea, sen.	—
Eubare Grenea	—
John + Sere	—
Alexander M'Rae	—
George Thomson	—
James Thomson	—
Thomas Thomson	—
Richard Ascah	—
George M'Rae	—
James M'Rae	—
Thomas M'Rae	—
George Askew.	—

John M'Rae	proprietor.
John M'Rae	—
George T. Thomson	—
Michael Cumming	—
George James Thomson	—
John Adams	—
Mathew O'Mara, preceptor.	—
Thomas Suddard - -	proprietor.
Michael Dornan	—
Elisher Pass	—
Josiah Cass, son of Andrew	—
Jos. Tuzo	—
Frs. Paget	—
Julien + Arbon	—
Daniel Cass	—
Joseph + L'Ange Bollet	—
Philip Pinet	—
John Cronier, fils	—
William Manion	—
Edward Smyth	—
Hugh Mahan	—
Josiah Cass, sen.	—
Charles Cass	—
Andrew Cass	—
Charles Paget	—
William Harbour	—
Thomas Miller	—
Robert Harbour	—
James Baker	—
William Baker	—
Robert Baker	—
Thomas Baker	—
James Ananett	—
Henry Steward	—
P. Fr. Ponydeste, agent to	—
Fr. Janvrin & Co.	—
William Ascak	—
John Ascak	—
Nicolas Lenfesty	—
Hilary Lenfesty	—
Abraham Lanfesty	—
Pierre Le Masurier	—
Antoine Pasoy	—
Jean Le Mesurier	—
Pierre Kasserie	—
Thomas Costlow	—
Anthony + Raille	—
Laurant + Fortier, postman.	—
Daniel + Murphy, proprietor.	—
Louis + Langlois, fisherman.	—
Gregoire Labbée	—
Jacques Labbé, proprietor.	—
Clavis + M'Gennis, fisherman.	—
Louis + Roucy proprietor.	—
Hubert + Castillam	—
Charles + Terrian, fils, fisherman.	—
Ol. Quirouet, teacher.	—
George Poirrier.	—
George Jenne, merchant.	—
Ed. de la Perrelle.	—
Lazard Poirrier, mariner.	—
William Whittom, farmer.	—
Andrew Carter + -	proprietor.
Mote Pareso +	—
Mualewel + Brosur	—
Bascean + Brosur	—
Philip + Allard	—
Faberr + Dugue	—
Alexander Brotherton	—
Amie + Dugue	—
John Bte Espelot	—
Robert Brotherton	—
Abner Brotherton	—
George Prevost	—
John Maritt.	—

Joseph Macdonna - proprietor.
 Harvey Adams —
 Charles Forest —
 Pierre Mercure —
 Felix Arbon —
 William Sinclair —
 James Delancy —
 William Peacock —
 William Keys —
 John M'Eachran —
 Gilbert M'Arthur —
 James Geddis —
 Richard Place —
 David Ross —
 Henry Harly —
 Daniel Fogar —
 Simon M'Lean —
 James Cassidy —
 Ch. Vardon —
 Thomas Ellement, Sign —
 William Girard, fils Jean —
 William Hunt —
 Peter + Laflame —
 John Heyden, jun. —
 John Heyden, sen. —
 John Hotton —
 John Marette.
 Themoty O'Herum.
 François Pittow.
 John Girard, fils Wm. - proprietor.
 Charles + Tapp —
 Henry Durell —
 Stanislas Roussey —
 John Mitchell, farmer and fisherman.
 John Mitchell, jun., fisherman.
 Baptiste Greanea, farmer & fisherman.
 Peter Deresh —
 Asent Longley, fisherman
 H. King Mitchell, farmer & fisherman.
 Frolong Longley, fisherman.
 Francis Deresh —
 Felix Longley —
 Trankell Longley —
 Henry Deresh —
 Longe Longley —
 Wm. M'Kenzie, farmer & fisherman.
 Thomas Dun, Lumber.
 Johnston Dun, sen., fisherman.
 William Murray, farmer.
 Laurence D. Lyon, merchant.
 Morris Humphreys, farmer.
 J. Burns Castrow, farmer & fisherman.
 John Edwards —
 Thomas Boiasto —
 James Gilles, shipwright.
 Mitchel Solven, farmer & proprietor.
 James Gordon, lumber proprietor.
 Thomas Bickett —
 Joshepes Degisey —
 Murdoch M'Kenzie —
 James Wyller —
 Edward Milligan —
 Andrew Rushey, farmer & fisherman.
 Lorons Longley —
 John Longley —
 Jean B^e Simard —
 Alexander Ahier —
 Joseph Dougea —
 Michel Parise, fils —
 Alexander Dougea —
 Peter Pummea —
 Julia Dougea —
 Philip Chadore —
 Philip Ollesadir, farmer

Jacques Alien, farmer
 Charles Man Dougea, fisherman
 John St. Croix - proprietor.
 John + Cotton —
 Daniel Buckley —
 George Heath —
 William Harrants —
 Charles Querrien —
 John Driscoll —
 Stephen Walsh —
 Charles Parron —
 John B^e Fortin —
 Peter Alagele —
 Francis Barliste —
 Gregoire Parisse —
 Jasper Morris —
 James Shanen —
 John Dick.
 Barnard MacSweeney, proprietor.
 James Caldwell —
 James Chetlaster —
 Samuel Chatterton —
 Joshua Bebee —
 J. Secor Bebee —
 Amasie Bebee —
 William Langler —
 Michael Dumillon —
 John Cass —
 Thomas Caldwell —
 Thomas Brock Munro —
 George Munro, farmer.
 James Day, miller and proprietor.
 William Munro - proprietor.
 William Scott —
 Thomas Scott —
 Matthew H. Scott —
 John Witham —
 Thomas Whittam —
 John Chisholm, farmer.
 James Chisholm —
 Peter Stewart.
 Charles Brown.
 James Anderson.
 John G. Fair.
 James Murchy.
 Magnus Firth.
 John Campbell.
 Donald M'Donald.
 Donald M'Kenan.
 Robert Hendry.
 Dugald Cramford.
 Frederick Burton.
 Angus Carmichael.
 Angus M'Kenzie.
 Richard Peck.
 Robert Fair.
 Christopher Mullons.
 Samuel Allison.
 John Esson.
 Alexander Fraser.
 Archibald Graham.
 Daniel Fullarton.
 Francis Belanger.
 Marcel Burton.
 Archibald Kerr.
 Thomas Kiridar.
 William Burton.
 Jouchay Woodman.
 Ralph Pritchard.
 Abel Campbell.
 Peter Galbraith.
 John Johnston.
 Thomas Wellett.
 John Wellett.
 William Wellett.

Correspondence
 respecting
 Mr. Thompson.

Correspondence
respecting
Mr. Thompson.

William Wellett, jun.
 James Willett.
 George Duthie.
 Robert Caldwell, justice of the peace.
 Joseph Meagher, J. P. and captain militia.
 Hipolite Landry, major.
 J. F. Landry, juge à paix.
 Robert Sherar, coroner of Gaspé.
 Laurent + Bourdages, propriétaire.
 Thomas Caldwell, proprietor.
 John M'Dougald, merchant.
 James Robert Sherar, proprietor.
 Gilbert M'Wherton —
 Pierre Landry, lieutenant milice.
 Jean Gaurreau, propriétaire.
 William M'Clellan.
 William Kerr.
 Charles Powell.
 Patrick Power.
 François Boutin.
 Nathaniel Johnston.
 James Johnston.
 Thomas Pickan.
 William Harvey.
 George Willett.
 John Gillker.
 Benjamin Willett.
 William Duthie.
 Samuel Duthie.
 Hugh Caldwell, mariner.
 S. Talbot, propriétaire.
 Samuel Christy, proprietor.
 François Allard, propriétaire.
 James Martin, proprietor.
 Barnabas M'Gee, P. P. C.
 Daniel Carney - proprietor.
 David M'Kay —
 Alexandre M'Clallan —
 John M'Clellan —
 William + Garrett —
 John Garrett —
 Benjamin Thornthwaite —
 Alexander + Noveau —
 Robert Flaherty —
 Timothy Driscoll.
 Pierre + Huet.
 Julien + M'Gennis.
 Alexandre Maganue.
 Thomas + Hare.
 John Benningham.
 Edouard Frachy.
 Ambroise Leque.
 Etienne + Dorion.
 Thomas Keting.
 Anthony + Querrien.
 Anthony + Patra.
 Joseph Beaker dit Blondin.
 Fabien Beeker dit Blondin.
 Charles + Simonneau.
 Frederick + M'Gennis.
 Patrick Carroll.
 Richard Knox.
 Cornelius Scanlan.
 Joseph Metote.
 John B^{te} Fortin.
 George Matthew.
 William Power.
 Jean Baptiste + Chabotte.
 Theodore Cots.
 Pierre Querrien.
 Edouard Le Sare.
 John Doig.
 Thomas Gormond.
 Lawrence Lamb.
 Charles + M'Sweeny.
 Thomas + Eliment.
 Jean Carré, propriétaire.
 Jn. Malzard.
 Elias Le Roue.
 James + St. Croix.
 Peter + Le Clare.
 Charles Le Flam.
 William + Ellement, seq. proprietor.
 William + Ellement, jr.
 Abel Lucas - proprietor.
 William Girard —
 Nicolas Girard —
 Thomas Telement, jr. —
 John Hunt.
 Peter Duga, proprietor.
 John Landreth, carpenter.
 Clement Holmes, proprietor.
 Mickle + Buckley.
 William + Momett, proprietor.
 John Brenon.
 Peter + La Mare.
 John Byers, proprietor.
 Vital Fournier.
 William Donoghue.
 Patrick Handerhan.
 Mitchell Buckley, proprietor.
 Peter + Chequire.
 Peter Miller.
 John Syborn.
 Jean Hacquil.
 John + Gerard, jun.
 John B. + Cotton.
 John Le Blaney.
 Thomas Lucas, proprietor.
 Edouard D. Carré.
 William Gauvin.
 Isaac Man - proprietor.
 Edward Dugas —
 George Campbell —
 James Lamb —
 Robert Byers —
 Larence Carne —
 John Vibert, merchant.
 John Dea, house carpenter and farmer.
 Michael Enright, farmer.
 John M'Clellan.
 Robert Pritchard.
 William Forsyth.
 Peter Sire, fils.
 Simon Brown.
 David Coughlin.
 Joseph + Labbé.
 Nicolas + Burget.
 Edouard Pepre.
 Alexis + Boulet.
 Pierre + Cronier.
 Samuel Ray, H. P. C.
 Jacke + Cronea, proprietor.
 Francis + Grenea —
 Edward Bla —
 Joseph Trambila —
 Francis Sere —
 Edward Glasur. —
 Henry M'Goelen —
 Charles Lantan —
 Joseph Blay —
 Peter + Seere —
 Charles + Seere —
 Lafranc David —
 Alexander Deresh, farmer.
 Patrick Maher.
 Alexander Campbell, jun.

Correspondence
respecting
Mr. Thompson.

Nicholas Renouf.
James Cone.
Matthew Ryan.
Joseph × Arbon.
Jeremiah O'Shea.
Luc Savard.
Jean × Cronier.
Felix × Dunn.
Jean Allard.
Francis David, proprietor.
Rufaro × Geanard.
Peter Seer, jun. - proprietor.
Joseph × Cronea —
James Smith —
William Weste —
John De Gereaa —
Samuel Collas —
James Walsh —
Edward × Mulroney, carpenter.
Thomas × Hallon - proprietor.
Jacob Se Packwood —
John Packwood —
Ph. Renouf.
Alexandre Le Merar.
Neil M'Kenzie.
Henry Ingrouville.
J. Legrand.
Thomas Pickned, proprietor.
Michel Paget —
Michel Hogan —
Henry Baker —
Daniel Baker —
Jean Richard —
Silvester × Collin —
Jean Rovit —
Joseph Fournier —
Francois Ahier.
James Smith.
Daniel Ingrouville, proprietor.
George Lucas —
Pierre Roussel.
Samuel Ferlong —
Joseph Baker —
Joseph Cass, justice of the peace.
William Tully, teacher.
Alexander Tilly, proprietor.
Joseph Cass —
John Seymour —
Francois × Vallet —
Pierre Choinard —
Charles La Meusera —
John Bichard —
Pierre Duepiemen.
Jean Lemessurier —
Hher Lemessurier —
James Brehaut.
Thomas Lemessurier —
William Simon —
Pierre Simon —
William John Withall, bailiff.
Nicolas Lemessurier, proprietor.
Jean Lemessurier.
Abiro St. Croix, proprietor.
Joseph Oconeur.
Peter Coners, proprietor.
Nicholas Oconer.
Francis Ahier, J. P. proprietor.
Ubard Dunn —
John M'Crae —
Daniel Scoot —
Franc Le Feuvre, carpenter.
Lucien Huard - fisherman.
Louis × Huard, fils, —
William Skene, farmer.
Charles Canivet, blacksmith.

Theophile Dugay - proprietor.
Fabien Dugay, fils. —
Fadde Herbert, fisherman.
George Vibert, blacksmith.
Thomas Prevost —
James Hunt, lumberer.
Duncan Robertson - farmer.
James Campbell —
Edward × Le Blanc —
Pierre × Baris - - proprietor.
Fabien × Allard —
Henry Hardy —
William Asseles —
Daniel Cox —
Malcolm M'Neil —
William Ferguson —
Michael Cassidy —
John M'Cormick × —
Joseph Aumluls —
Thomas × Sculy —
Philip × Nilles —
Neil × M'Leod —
Michael × Tetchcherald —
Duncan × M'Innis —
Isie × Jonston —
Donald M'Tavish —
William Hetherington.
Patrick Cose —
James Duhu —
Terance O'Brien —
John M'Lellan —
Patrick Murphy —
James M'Neil —
David Ross —
Laughlan M'Donald —
Richard Plaw —
Martin Cameron —
Stephen King —
Roderick M'Neil —
James M'Neil —
Robert Welsh —
Peter Rankin —
John Phillan —
Joel Johnstone —
Martin Bujal —
John Fauvel, agent Charles Robin &
Co.
Charles Poirier, fils Ch^s proprietor.
Joseph × Babin —
Pierre × Desreches dit Bellau —
Philippe × Angelar, fils —
Elie × Angelar —
John Gallu —
Andrien × Darosvile —
Jean × Dugay —
François Houget —
François × Huard, fils —
Edouard Hardeley —
John Day —
Philip Le Gallais —
Elie De la Perrelle —
Philip Duval —
James Scott —
John Alexander Scott —
Cyrile Lepage —
Charles Bugot, fils —
Pierre Hubert —
Semons Louesel —
Robert Louesel —
Leus Narde —
Hugh Narde —
Jelbore Narde —
François Langlais, Sergans de Milice.
Pierre Bourgaize - proprietor.
John + Hort —

Correspondence
respecting
Mr. Thompson.

Serafan Brosure - proprietor.
Leus x Dene —
Curbon Due —
Luses Due, jun. —
Isech Dene —
Mechil Dene —
Joseph x Duga —
Fredrick x Drosbe —
Francis Duga —
Adam Brotherton —
Polin x Ruce —
Rene Parese —
Thomas Byers —
Meshel Parese —
Nicless x La Brosur —
Ubure x Parese —
Philip x Anglebert —
Joseph x Nard —
John x Grene —
John Esplot —
Charley Dougea, jun., fisherman and proprietor.
Peter Huart, jun., fisherman and proprietor.
Patrick Herington, farmer & proprietor.
Philip Ahier —
John Englart, fisherman & proprietor.
Isiah Dougea —
Alexander Huart —
Mercue Huart —
Austion Masue —
Peter Losel, farmer and fisherman, proprietor.
Peter Deresh, fisherman and proprietor.
Philip Longley —
Joseph Longley —
Peter Longley —
John B. Longley, farmer and fisherman, proprietor.
Remue Longley, fisherman & proprietor.
Mosis Longley —
Peter Longley, jr. —
Charles Blay —
Peter Lambert, house-joiner and proprietor.
Johnson Dun, fisherman and proprietor.
Charles M'Gloud - proprietor.
James Beek —
Hugh Baker —
Anlan Faran —
John Batist Poket —
Iseke Calan —
Jean Baptiste Colin —
Henri Colin —
Charles Colin —
Gull Collin —
Thomas Calan —
Peter Lagugangan —
Eeoge Lukes —
John Miteel —
François Mitchell —
John Linchart —
Peter Sweney —
M. Caldwell —
Henry Hadley —
Francis x Bourdages —
Frederick Arsenaux —
Joseph x Poirrier —
Charlemagne Arbore —
Paschal Glasur —
Oliver x Bordash —
Hugh M'Cready —
John M'Wherter —
John x Parraut —

John Cochran - lumber.
William M'Colm —
May Cochran —
Peter Lynd, proprietor.
Azariah Pritchard, Capt. B. Militia.
An. Bogoupp, Enseigne Milice et propriétaire.
Hugh Robertson - proprietor.
John Campbell —
John M'Colm —
Archibald M'Kay —
Charles Mowett —
Charles Major —
William Le Poidevin —
James Langlois —
Daniel Ross —
Hector Ross —
Pierre Leon Kassy + —
John Alexander Smith —
William Powers —
Joseph Thompson —
Philippe Moureint —
Walter Ross —
Archibald C. M'Arthur, schoolmaster.
Farqur Porrs, proprietor
James Greena, fisherman.
John Ross - farmer.
William Ross —
Michael M'Gevir - proprietor.
Amassie Chatterton —
Andrew Huntington —
Asa Chatterton —
Samuel Chatterton —
James Huntington —
William Huntington —
John Travers —
James Wright —
Alexander Brotherton, C. P. M.
André Loisel - proprietor.
André Loisel —
William Scott - merchant.
Joseph Nelson Verge —
Elzion Le Blanc - proprietor.
Thomas H. Verge —
Ferd. B. Jaed —
André Dugas - Captain Militia.
Duncan M'Kae - Lieut. —
William M'Kae - Ensign —
John M'Rae - proprietor.
Farquhar M'Rae —
Alexander M'Rae —
Edward Power, Serjeant Militia.
William Phelan - proprietor.
George Robinson —
John Madigan x —
Thomas Madigan x —
William Harper —
William Sulvan —
Thomas Allen —
W. Samuel Allen —
Thomas Rafter —
Pierre Gigneac x —
James Smith —
David Smith —
John V. Dunny, schoolmaster.
James Almond - proprietor.
John Almond —
John M'Ginnis —
Jane Russy —
Julien Russy —
Julien Curtois —
Benjamin Young —
Joseph Young —
John Yong —

Certified to be a true copy of petition and signatures thereunto attached.

Wm. B. Lindsay, Clk. Ass.

(I.)

To the Hon. *John Gawler Thompson*, Judge for the Inferior District of Gaspé, in the Province of *Lower Canada*.

The petition of the undersigned justices of the peace in and for the district of Gaspé aforesaid,

Very respectfully sheweth,

THAT for some time past no sessions of the peace have been held in this place for the due administration of justice and despatch of public business, in consequence of which divers depredations and violations of the laws have been perpetrated with impunity.

That your Honour's petitioners have from time to time taken cognizance of divers complaints and informations, and have proceeded in binding the aggressors under recognizance to good behaviour, &c., and to appear for the final adjustment of such complaints, but that the want of a sufficient number of justices to form a quorum entirely preclude your Honour's petitioners from discharging the duties incumbent upon them, which greatly tend to the preservation of our lives and property.

That the inconveniences alluded to are greatly detrimental to the prosecution of public justice, and the maintenance of good order, and can only be obviated by the holding of the general sessions of the peace conformable to the Act providing for the same, and that without the co-operation and assistance of your Honour at the next ensuing sessions of the peace, to be holden at New Carlisle for the district of Gaspé aforesaid, your Honour's petitioners greatly fear that the most respectable and peaceable portion of the community will continue to be exposed as heretofore.

Your petitioners therefore humbly pray that your Honour will be graciously pleased to co-operate with us in order to remedy the impending evils.

And your Honour's petitioners, as in duty bound, will ever pray.

Hope Town,
28 December 1831.

Farquhar M' Rae, J. P.
William Carter, J. P.

Sir,

Paspébiac, Sheriff's-office, 9 July 1832.

LAST January the Hon. Mr. Justice Thompson, provincial judge for the inferior district of Gaspé, sat and presided at the court of quarter sessions or general sessions of the peace, held at New Carlisle.

As I humbly conceive that the almost innumerable and glaring incompetencies of the provincial judge to sit or preside at the sessions of the peace in this district, are so obvious, being diametrically opposed to the constitution and laws of the land, therefore not to be warranted on any pretence, had I not then been confined to my bed through severe illness, and obliged to attend at the sessions by deputy, I would have objected to the competency of the court, and refused to make my return of jurors.

This to me would have been a most disagreeable alternative, though a compulsory duty, as I cannot, nor dare not, knowingly do nor participate in an illegal act.

To avoid the disagreeable position in which I shall find myself, in case of a recurrence, I humbly crave his Excellency the Governor-in-chief's instructions and interference.

I have, &c.

Lieut.-Col. Craig,
Civil Secretary, Quebec.

J. Ferguson Winter, Sheriff Dist. Gaspé.

Sir,

Castle St. Lewis, Quebec, 17 August 1832.

I AM directed by his Excellency the Governor-in-chief to forward to you the enclosed letter, dated Paspébiac, 9 July 1832, from F. Winter, Esq., sheriff of the inferior district of Gaspé, relative to your having sat and presided at the court of quarter sessions of the peace held at New Carlisle in January last, and I am to request you will be pleased to communicate to me, for his Lordship's information, such observations as you may have to offer on the subject of that representation.

I have, &c.

The Hon.
Mr. Justice Thompson.

H. Craig, Secretary.

Sir,

Paspébiac, 14 September 1832.

I AM acknowledging the receipt of your letter of the 17th ultimo, inclosing one from the sheriff of this district, relative to my having sat and presided at the court of general quarter sessions, held at New Carlisle in January last, requesting me to communicate such observations as I may have to offer upon the subject for his Excellency's information. In conformity with his Lordship's commands, I have to state that I did preside at that court, no session having been held for upwards of a year for want of a quorum, Mr. M' Rae and Mr. Carter being then the only qualified magistrates residing in this district between Point Peter in the Gulf of St. Lawrence and the river Restigouche, at the western extremity of the Baie-des-Chaleurs.

Correspondence
respecting
Mr. Thompson.

The unprotected state of the peaceable portion of the inhabitants induced those gentlemen to petition me, as the chief magistrate of the district, to assist them on that occasion. I complied with their request, and would have continued to preside in that court, had not the arrival of a new commission of the peace relieved me from that additional duty.

The incompatibility complained of is imaginary. The judge of the district of St. Francis, with a similar jurisdiction to this, presided and still presides, I believe, at the sessions there. In opposition to the gratuitous legal opinion of the sheriff of this district, I shall offer that of the legislature of this province, who, by the stat. 5 Geo. 4, c. 22, s. 1, not only admitted the compatibility, but also allowed the sum of 90 l. sterling to the provincial judge, for his travelling expenses in holding the sessions that year. The jurisdiction has not been altered since that period.

I inclose herewith the letter communicated and the petition referred to.

I have, &c.

Lieutenant-colonel Craig,
Civil Secretary, &c. &c., Quebec.

John G. Thompson,
Provincial Judge, Gaspé.

To the Honourable *John Gawler Thompson*, Judge of His Majesty's Provincial Court in and for the Inferior District of *Gaspé*.

The Petition of Farquhar M'Rae and Robert Caldwell, Esquires, two of His Majesty's Justices of the Peace in and for the said district,

Humbly sheweth,

THAT divers complaints and informations have been taken and received by His Majesty's justices of the peace, which it is necessary and expedient for the conservation of the public peace and for the general interest of the public at large, to lay before the next general session of the peace, to be holden in New Carlisle to-morrow.

That owing to the absence, at this time, of the two other justices resident in this part of this county of Bonaventure, it will become impossible for your petitioners, without the intervention of your Honour, to hold the next general session of the peace for the want of a quorum.

That should the next general session of the peace not be holden as by law established, many offenders will escape the correcting hand of justice, and an inducement held out for the commission of crime by an almost certain assurance of escaping punishment.

Your petitioners therefore humbly pray that your Honour will take the premises and state of the country into your serious consideration, and that moved by motives so forcible, and the public interest, your Honour will preside at the next general session of the peace, to be holden at New Carlisle to-morrow.

And your petitioners, as in duty bound, shall ever pray.

New Carlisle, 10 January 1833.

Farquhar M'Rae, J. P.
Robert Caldwell, J. P.

To the Honourable *John Gawler Thompson*, Judge of His Majesty's Provincial Court in and for the District of *Gaspé*.

The Petition of Robert Caldwell and William Carter, Esquires, two of His Majesty's Justices of the Peace for the said district,

Humbly represents,

THAT your petitioners being apprehensive that a quorum of magistrates will not be found to preside at the next general session of the peace, to be holden in New Carlisle in the said district, from the 11th to the 16th day of January instant, inclusively, by which the public interests and sundry important affairs would be retarded and neglected, beg leave respectfully to solicit your Honour to complete such quorum, and to preside at the next general session of the peace, to be holden in New Carlisle for the furtherance of the ends of justice and the promotion of the general interests of the country at large.

And your petitioners, as in duty bound, shall ever pray.

District of Gaspé,
New Carlisle, 8 January 1834.

William Carter, J. P.
Robert Caldwell, J. P.

Province du Bas Canada, District de Gaspé.

A l'Honorable Juge de la Cour Provinciale du District de Gaspé.

La Requête des soussignés habitans du township de Carleton, dans le comté de Bonaventure,

Expose humblement,

QUE depuis plusieurs années il n'y a pas eu de session générale de la paix, dans cette partie du district, faute de magistrats.

Qu'il

Qu'il devient nécessaire pour l'avantage du public qu'une session de la paix aurait lieu cette année à Carleton, en conséquence vos supplians vous prient humblement de vouloir bien seiger à la session qui se présente.

Correspondence
respecting
Mr. Thompson.

Et ils ne cesseront jamais de prier.

H. Michaud, J. P.
Nicolas Landry.
J. G. Le Bel, N. P.

Joseph Meagher, C. M.
Ch. M. Labellon, C. M.

Carleton, 10 Juillet 1834.

Province du Bas Canada, District de Gaspé.

A l'Honorable Juge de la Cour Provinciale du District de Gaspé.

La Requête de Hugh Aitkin et Hilary Michaud, Ecuiers, Juges à Paix pour le District susdit,

Expose humblement,

Qu'après avoir prés connaissance des affaires qui vont paraître devant eux dans le cours de cette session, les mettent dans l'absolue nécessité de requerrir votre honneur à prendre le siege avec eux.

C'est pourquoi vos petitionnaires, plein de confiance en votre justice, osent se flatter que leur présente requête recevra votre assentement pour l'avantage du public, et ferez justice.

Hugh Aitken.
H. Michaud.

Carleton, 11 Juillet 1834.

(True Copies.)

John G. Thompson.

— No. 2. —

COPY of a LETTER from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 24 January 1837.

No. 2.

I HAVE had the honour to receive your despatch of the 6th December, enclosing copies of certain proceedings which had taken place in the House of Assembly of Lower Canada, in an inquiry instituted by that House into the conduct of Mr. J. G. Thompson, judge of the provincial court of the inferior district of Gaspé, together with a copy of Mr. Thompson's answer to the charges brought against him.

I approve of your Lordship's refusal to suspend Mr. Thompson from his office pending the inquiry, and also of your having afforded to that gentleman an ample opportunity of meeting the accusations brought against him before transmitting them for the consideration of His Majesty's Government.

As those accusations refer in great measure to Mr. Thompson's conduct in his judicial capacity, I have felt it my duty humbly to advise His Majesty to submit them to the consideration of the judicial committee of his Privy Council. That committee will no doubt admit both the accusers and the accused to a hearing at their bar, and you will accordingly refer the Assembly of Lower Canada to that body as the tribunal most qualified to investigate charges preferred against a judge in one of His Majesty's colonies.

But although I have not thought myself at liberty to adopt any decision on the accusations brought against Mr. Thompson, I feel it to be my duty to notice the manner in which the investigation has been conducted. It is stated that on the committee of the Assembly appointed for that purpose, Mr. Deblois, the petitioner against Mr. Thompson, had a seat, and it does not appear that any notice was given to Mr. Thompson of the proceedings against him; or that he had the opportunity of producing any witnesses in his behalf, or of cross-examining those who were called in support of the allegations of the petitioner. When I observe the very strong testimonies on oath, afterwards adduced by Mr. Thompson to your Lordship in defence of his character and in refutation of the charges brought against him, I cannot but greatly regret that he had not an opportunity of making his defence before the committee of the Assembly; nor in the absence of that evidence, can I admit that the case was fully investigated by the committee, or that much weight can be attached to the conclusion stated in their report. I do not assume to myself the right of determining what their decision might have been, had Mr. Thompson's defence been before them, as well as the evidence in support of the accusations against him, but it appears to me obviously contrary

Correspondence
respecting
Mr. Thompson.

to the first principles of justice to subject an accused party to the penalty which his offence, if satisfactorily proved, would merit, without affording him the fullest opportunity of proving his innocence. After an attentive consideration of the case, as it has been submitted to me, I do not feel myself justified in suspending Mr. Thompson from the exercise of his judicial functions, until a competent court shall have decided on the merits of the case after weighing the evidence which may be adduced on oath, both in support and in refutation of the charges preferred against him.

I have, &c.

(signed) *Glenelg.*

— No. 3. —

COPY of a LETTER from Lord *Glenelg* to the Lord President of His Majesty's Privy Council.

My Lord,

Downing-street, 27 January 1837.

No. 3.

I HAVE the honour to transmit to your Lordship herewith the copy of a despatch from the Earl of Gosford, enclosing a report of a committee of the Assembly of Lower Canada, imputing gross misconduct to Mr. J. G. Thompson, the judge of the provincial court of the inferior district of Gaspé. In consequence of this report the House of Assembly have addressed the Earl of Gosford, praying for the removal of Mr. Thompson from his judicial situation; a prayer with which, for the reasons stated in his despatch, his Lordship has declined to comply.

I have to request that your Lordship would move His Majesty in Council to refer these documents to the judicial committee of the Privy Council, in order that their Lordships may adopt the necessary measures for investigating and deciding the question in debate, and may report to His Majesty in Council their opinion as to the measures which it may be proper for His Majesty to adopt on this occasion.

I have, &c.

(signed) *Glenelg.*

COPIES of a REPORT of the Select Committee of the House of Assembly of Lower Canada, respecting Mr. *Whitcher*, Sheriff of St. Francis, and of a Correspondence between the Earl of Gosford and Lord *Glenelg*, on the subject of the Charges preferred against Mr. *Whitcher*.

— No. 1. —

No. 1.

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec,
9th September 1836.

I HAVE the honor herewith to transmit, for your information and for the signification of His Majesty's pleasure, the case of Mr. *Whitcher*, sheriff of the district of St. Francis, contained in the accompanying documents, seven in number.

Enclosure No. 1. is the copy of a petition, signed by 100 inhabitants of the district of St. Francis, which in January last was presented to the House of Assembly against the sheriff, complaining,—first, of the manner in which he had selected jurors, those residing in the more remote parts being summoned more frequently than those residing near the courts, and this for the purpose of augmenting his emoluments; secondly, of his conduct in requiring his bailiffs to pay him a part of their fees; thirdly, of his partiality and injustice in the performance of the duties of his office, particularly in the case of one Fanny Haskell; and, fourthly, demanding an investigation into his contingent account, and into the manner in which prisoners in the gaol are supplied with provisions.

This

This petition was referred to a special committee, and their report thereon was concurred in by the House, who, on the 3d March last, resolved that Mr. Whitcher had not, since his appointment, kept an open office, wherein he had regularly attended for the discharge of his duty as sheriff; and that he had availed himself of his official power designedly, illegally and corruptly to extort from his bailiffs sums of money allowed and belonging to them, to the prejudice of the administration of justice and of the rights and interests of His Majesty's subjects in this province: and they presented to me an address founded on these resolutions and the report of the committee, praying that I would take immediate steps to remove Mr. Whitcher from his office of sheriff, and from all other offices of honor or profit which he may hold under the Crown. To this address I answered as in the instances of the other officers accused by the House, that as soon as I should have heard what Mr. Whitcher had to say in his defence, I would adopt such measures as the case might demand. I lost no time in calling upon the sheriff for his vindication, which he has recently sent in, and a copy of which I have now the honour to enclose.

Mr. Whitcher, who was not present during the investigation into his conduct by the special committee, to whom the petition mentioned in the former part of this despatch was referred, states, in his defence, that out of 11 barristers resident in the district of St. Francis, two only were examined before the committee, and he remarks that their testimony, according to their own confession, is on most points founded on common report, and not on personal knowledge; but without commenting on the evidence taken by the committee, which is impugned by Mr. Whitcher in his defence, and the several documents (11 in number) appended to it, I may shortly state that the excuse offered by that gentleman for not having regularly kept an open office is, that it is impossible for any one to sit for any length of time in the building assigned for that purpose, owing to its dilapidated condition; and further, that there does not exist, from the small quantity of business transacted, that necessity for keeping an office constantly open as in the other districts of the province. These allegations are supported by the presentment of the grand jury for the district of St. Francis, made in October last, by certificates from the keeper of the court house at Sherbrooke, from a Mr. Seaton, who has acted as clerk to the late and present prothonotary of the district, and from Mr. Bell, the present prothonotary himself, to which I may add, as relates to the present condition of the building in which the sheriff's office is situated, a memorial that I have within the last few days received from three of the judges, who report "the absolute want of accommodation and shelter, as well for the court and its officers and suitors as for the keeper and his family." To show that no practical inconvenience to the public has arisen from the omission to keep an office constantly open during stated hours, Mr. Whitcher transmits for my information certificates to that effect from four bailiffs, and from eight out of the eleven barristers who practise in the district, and through whose medium legal process is on all occasions sued out.

To the charge preferred by the committee, that he has been in the habit of receiving for his own use a third of his bailiffs' fees, and that he refused to employ them unless they agreed to that deduction, Mr. Whitcher admits, that for some time after his appointment he made an arrangement of this description with his bailiffs, believing the practice to exist in other districts and to be legal, and taking upon himself all responsibility on account of their acts, but he adds, that a suggestion having been thrown out by the Court of King's Bench for the district, about three years ago, that the practice was liable to misconstruction, he not only discontinued it, but desired his bailiffs to charge him with all the sums that he had formerly deducted from their fees, and has settled with them under this arrangement. In proof of the discontinuance of the practice he produces affidavits from eleven of his bailiffs, but without stating whether those are all that he employs, or what proportion that bears to the whole number.

To the accusation of having dismissed a bailiff for refusing to accede to a deduction of his fees, Mr. Whitcher offers a positive denial, and states that the dismissal took place on account of misconduct in the individual; and in support of this he refers to an affidavit (marked No. 5, in his defence) of another bailiff, a Mr. Mallory, who was one of the witnesses examined before the special committee.

Enclosure No. 2.
26 February 1836.

See Enclosure
No. 3.

Enclosure No. 3.

Enclosure No. 4.

Enclosure No. 5.

Enclosure No. 5.
13th August 1836.

Eleven.
No. 3 not received.

Enclosure No. 6.

Correspondence
respecting
Mr. Whitcher.

In contradiction of the charge of the committee, of having employed a young man under age to serve summonses and sheriff's process, an affidavit is produced of the person alluded to in the report of the committee, a Mr. Hiram Moe, who swears that in answer to questions put to him by the committee, he several times stated that at the time of his summoning jurors for the sheriff, he was of age. This statement does not, however, appear in the printed copy of the evidence attached to the report.

Mr. Whitcher concludes his defence with a complaint that portions only of the evidence given by him before "a committee appointed to inquire concerning the fees and emoluments received by the several officers of the courts of justice in this province," was printed in the report of that committee; and he enters into explanations to show that in giving such evidence he has not been guilty of false statements and wilful misrepresentation of facts, as charged against him in the report (Enclosure No. 2,) of the committee appointed to investigate his public conduct, and he has appended to his defence a testimonial signed by 211 inhabitants of the district, of whom many, he states, are large proprietors, magistrates and persons whose pursuits and wealth bring them into official contact with him, certifying that they are perfectly satisfied with the manner in which the duties of his office are discharged.

Seeing no reason for departing in the present instance from the course I thought it advisable to adopt with respect to the other public officers who have been laid under accusation by the Assembly, I have informed Mr. Whitcher that his case would be transmitted to England for the decision of His Majesty.

I have the honour to be, &c.

(signed) Gosford.

Enclosure No. 7.

(No. 1.)

To the Honourable the House of Assembly for the province of Lower Canada, in Parliament assembled.

THE petition of the undersigned inhabitants of the district of St. Francis, humbly represents, that for a long time past complaints have existed against Charles Whitcher, Esq., sheriff of the district of St. Francis, for conduct in his capacity of said sheriff.

Your petitioners cannot be expected to be acquainted generally with the proceedings of said sheriff, but would particularly mention, as in their opinion deserving an investigation by your Honourable House: 1st, The manner in which jurors have been selected by the said sheriff, your petitioners consider as cause of complaint, the people in the more remote parts of the district having been called upon to serve as jurors more frequently than those residing near the court, for the purpose, as your petitioners believe, of increasing his fees: 2d, His conduct in requiring the bailiffs to pay him a part of their fees: 3d, His partiality and injustice in the performance of the duties of his office, particularly as exhibited towards widow Fanny Haskell, defendant, in a suit in the Court of King's Bench, No. 185, in 1834 or 1835: And, 4th, Your petitioners believe that the manner in which prisoners in gaol are supplied with provisions, and the contingent accounts of said sheriff, require investigation by your Honourable House.

Your petitioners earnestly solicit the attention of your Honourable House to the subject of their complaints.

And your petitioners, as in duty bound, will ever pray.

District St. Francis, 1 January 1836.

"signed"

Dudley Davis, Captain M.
Silas Mack,
Thomas Ractor,
Willard Killy,
Benjamin Wymern,
Joseph Smith.

Benjamin F. Hubbard.
D. H. Maltz,
Levi Spalding,
Stephen Foster,
Otis Warren,

Here follow 89 other signatures.

(No. 2.)

REPORT.

THE Special Committee, to whom was referred the petition of divers inhabitants of the district of Saint Francis, complaining of Charles Whitcher, Esquire, sheriff of the said district, have agreed to the following Report:—

Your committee have carefully inquired into the complaints set forth in the said petition, and the order of reference from your Honourable House; and to establish how far the said complaints are founded in fact, your committee have called witnesses from that district, whose

whose residences being near the court, and most of them advocates and bailiffs of the courts of that district, render them very competent to give correct testimony on the aforesaid petition.

It appears by the testimony of these witnesses that the said Charles Whitcher, Esq., sheriff of the said district, has not, since his appointment to that office, (which took place on the 27th day of November 1823,) kept an open office wherein he regularly attended for the performance of his duty as sheriff of that district; that complaints have often been made to him for not doing so, and also being often requested to keep an open office where he could be found when his services were required as sheriff of the said district, the said sheriff has replied, "that the fees were so trifling that it would not pay."

Your committee do not deem it necessary to enlarge this report by adverting to the consequences that must necessarily result from the circumstance just alluded to.

It appears also to your committee that the conduct of the said Charles Whitcher towards his bailiffs has been such as to excite much dissatisfaction with the members of the bar and the bailiffs, as well as the public at large. It appears clearly by the testimony of the attorneys, that they have met with vexatious delays in their business in the courts, in consequence of the sheriff's not keeping an open office; also of his refusing to employ such bailiffs as were best qualified to perform the duty. It is established by the testimony of the bailiffs that the said sheriff would not employ them as bailiffs unless they would first agree to give him one-third part of their fees; that the said sheriff did exact, receive and retain for his own use, whenever it was in his power so to do, one-third part of the bailiffs' fees; and that's when monies were paid on execution to the bailiff, he (the said sheriff) had demanded and required of them, and did actually receive from them, one-third part of their fees; that he has neglected to adjust his accounts with his bailiffs; that he not only refused to employ them unless they would give him one-third part of their fees, but has deprived them of employment, and has struck one from off his list of bailiffs, although he had frequently told him that he did the business more correctly than any other bailiff in the district, without assigning any other reason than his refusal to give him one-third part of his fees.

It appears to your committee that the said sheriff employed a young man, then under age, to serve summonses and sheriff's process by the day, for which he agreed to pay him 5s. wages, and his travelling expenses, per day, amounting to 6s. 3d.; at the same time taking vouchers from that person for the whole amount allowed by law for the summoning of jurors, in order to receive the difference to his own use. It is worthy of particular notice, that the said sheriff called upon many of his bailiffs this winter, and informed them that he had been called to Quebec and examined before a committee of your Honourable House, and that there were complaints against him in consequence of his not settling with his bailiffs, and that he had come to them and desired to settle. The witnesses state that he urged them to the adjustment of their accounts, as they might be called to Quebec as witnesses against him. It is stated by the witnesses that the said sheriff did settle with them, and that he paid back to many such sums as he had extorted from them as one-third part of their fees.

Your committee refrain from making any comments on the conduct of the said sheriff; the facts as shown in the evidence which is annexed to this report are so glaring, and so oppressive in their consequences, that they cannot fail to have their due weight with your Honourable House.

Your committee have deemed it proper to take communication of the testimony of the said Charles Whitcher, taken before a committee of your Honourable House in December last.

Mr. Whitcher, upon his examination before the special committee named by your Honourable House to inquire into the fees of the several officers of the courts of justice in this province, (a copy of which examination your committee annex to the present report,) has, in the opinion of your committee, been guilty of false statements, and of a wilful misrepresentation of facts. Being asked whether he receives to his use a part of the fees or emoluments of the bailiffs by him employed, he answered, he did not. Being asked whether the fees in some cases are divided between the bailiffs and himself, he answered, no. He subsequently desired to add to his evidence, that he had no intention of retaining any part of their fees upon a settlement of accounts. Being asked whether he ever expressed to any of his bailiffs his intention of retaining a part of their fees or disbursements, he answered, that he thought some bailiffs, some years ago, offered him part of their fees upon his giving them the preference of doing the business, but that he has no recollection of ever having retained any. Being asked what was his answer to the proposition, he says, he thinks his answer was that he should give it to the bailiff that would do the business best; that that was the only answer he made, to the best of his recollection. Being asked what was his answer as it respected the keeping of part of the fees, he says, he does not know that he gave any decided answer. Being directed to state as nearly as he could the answer he gave as it respected the keeping of part of the fees, he says, he does not know what answer he may have given, as he had no intention of keeping any part of their fees.

This testimony is completely at variance with the testimony produced before your committee, to which the attention of your Honourable House has in the former part of this report been called.

Your committee have come to the conclusion, from the said sheriff's own testimony, and that of the witnesses who have been examined, that the conduct of Charles Whitcher, Esq., sheriff of the district of St. Francis, has been such as to retard the execution of the law, and in some cases to defeat and prevent the due execution of it altogether in the said district. That he has availed himself of his official power as sheriff of the said district, designedly, illegally and corruptly, to extort from bailiffs, his inferior officers, sums of money allowed

Correspondence
respecting
Mr. Whitcher.

Correspondence
respecting
Mr. Whitcher.

and belonging to them, and that to the prejudice of the administration of justice, and of the rights and interests of His Majesty's faithful subjects in this province.

That the said Charles Whitcher, Esq., in consequence, is, in the opinion of your committee, unfit to continue to hold the office of sheriff of the district of St. Francis; and that the said Charles Whitcher, Esq., sheriff as aforesaid, ought to be removed from his said office, and from all other offices of profit or honour which he may hold, and be declared unfit to hold for the future any office of honour and profit in this province.

The whole nevertheless humbly submitted.

M. Child, Chairman.

26th February 1836.

MINUTES OF EVIDENCE.

Wednesday, 10th February 1836.—*MARCUS CHILD, Esq.*, in the Chair.

George Kimball, Esq., called in; and examined.

1. How many years have you been practising as an advocate in the court of the district of St. Francis?—I have practised at Sherbrooke as an advocate since the month of August 1824, with the exception of the summers of 1826 and 1827, when I went to Gaspé. I am still in the practice at Sherbrooke.

2. Do you know Charles Whitcher, sheriff of the said district, and how long?—I know Charles Whitcher, the sheriff of St. Francis, since the time I practised in the provincial court.

3. Have you any knowledge of the manner in which the said sheriff has selected jurors in the said district, during the time you have been practising at that court?—I have no personal knowledge; the knowledge that I have on the subject is the common report.

4. Please to state to the committee what the common report is on the subject?—The common report is, that the sheriff has employed bailiffs to summon the jurors, upon the condition that they would give him either one-third or one-half of their fees; I am not positive which.

5. Have jurors been summoned from the more remote parts of that district, to serve as such, more frequently than those who resided nearer to the court?—I think they have of late years; I have taken notice of that myself.

6. What reason has been assigned for calling jurors who reside furthest from the court?—The reason that has been assigned was the increase of the fees.

7. Is that your opinion?—It is.

8. By whom are jurors summoned in that district to serve in the courts?—They have been summoned by bailiffs of the court and other persons, as I have understood, under the directions of the sheriff, I suppose.

9. Do you know of any particular agreement between the said sheriff and such bailiffs and other persons employed by him to summon jurors?—Mr. Mallory, the bailiff, has stated to me on several occasions, that the sheriff had exacted from him a proportion of his fees for serving the summonses upon jurors. I think the sheriff required to deduct one-third or one-half of his fees, and that he had given him credit or given his note for the difference. I have heard from several other bailiffs that he had done the same thing with them.

10. Please to state their names?—I think Mr. Chamberlin, Mr. Fox, and Mr. Moe have mentioned to me that the sheriff had required that deduction; as also Mr. Barnard, who told me that he had refused to comply to those terms.

11. Will you explain to the committee the answer which you have given to the 9th question, as it regards said Whitcher's giving the bailiffs credit or his note?—The sheriff required a voucher or a receipt for the whole of the bailiff's fees, which Mallory gave to him; but the said sheriff gave the said Mallory credit for the difference, after deducting the proportion he kept for himself.

12. Have you any further knowledge as to the said sheriff's manner of summoning jurors in that district?—I think Mr. Moe informed me that he had served summonses for jurors at 5s. per day, and his travelling expenses. I also understood that he gave him receipts or vouchers for bailiff's fees. A person of the name of Nelson Hill, a bailiff, residing at Eaton, mentioned to me that he had served summonses for jurors without making any return to the sheriff that he had served them; that upon one occasion he received a summons from Charles Whitcher, jun., the sheriff's son, and that he never had received any compensation for his services, nor expected any.

13. Did Mr. Moe state to you at any time, or have you any knowledge how much his fees would have been on summonses thus served by him, and what the said sheriff would gain by his performing this service by the day?—I think Mr. Moe stated to me on one occasion that he had made services for the sheriff before he was appointed bailiff, in the townships of Barnston and Stanstead; the fees for such services amounted to upwards of 60 dollars; that he was then employed by the sheriff at 5s. per day, and travelling expenses, and I understood him he was but two or three days. I am not positive whether this was for summoning jurors or for serving other processes, or both.

14. Will you state to the committee what has been the conduct of the said Mr. Whitcher in the discharge of his duty as sheriff of said district; whether it has been partial and unjust in any and what instance or instances within your knowledge?—I had a conversation with the sheriff concerning his proceedings in the sale of certain property belonging to Has-

kell's

kell's estate; I inquired of him how it could have happened that he had refused to take the widow Haskell's bid on the property which had been sold by him to Mr. Baxter; that he ought to have known better than to proceed in such a manner. He justified his conduct by saying, that he had done perfectly right; that he was informed the widow had no money to pay for the property, which had been sold for a large sum. I inquired of him if he had taken counsel upon the subject; he said that he had followed Mr. Peck's instructions, then king's counsel, and practising advocate at that court. This action was brought in the name of Mr. Peck, as curator to the estate of William Baxter, and the purchaser was one of the heirs to said William Baxter's estate.

15. Why and for what reason did you make this inquiry of the sheriff?—This inquiry arose out of the observations to me of several persons present at the sale, concerning the illegality or unjustifiable conduct of the sheriff's proceedings in the sale of the property before mentioned. Afterwards proceedings were taken in the Court of King's Bench by the widow Haskell, for the purpose of annulling the sale. I think there was a preliminary hearing in the case, and from the remarks that fell from the court, it appeared that the sale would be considered by the court as null, though they pronounced no judgment on the case. Soon after this I understood from Mr. Bureau, the notary, that the parties had settled; that Mr. Baxter had given up the property to the widow.

Thursday, 11th February 1836.

George Kimball, Esquire, again called in; and examined.

16. Have you any thing further to add to your answer to the 14th question?—I think that Mr. Whitcher's conduct as sheriff has been improper, inasmuch as his office is seldom open. It has not been open more than one day in the week for the last five years. To my certain knowledge it has not been open for a month at a time. I have often expressed my dissatisfaction to him concerning his negligence in not keeping an office open. I have frequently spent a whole day before I could find him, when I had business to transact with him as sheriff, and wished him to keep an office where he could be found when his services were required; he stated that the fees were so trifling that it would not pay; and I observed to him that if that was the case he had better give up his office, that some other person might take it who would keep an office open; and that the public had suffered great inconvenience in consequence of his refusing to employ bailiffs who would not comply with his demand for a part of their fees. Upon several occasions I spoke to Mr. Whitcher on the subject of his retaining part of the bailiffs' fees; his answer was that he had a perfect right to do so; that Mr. Gagy, sheriff at Three Rivers, had always taken one-third of the bailiffs' fees, and he believed all the sheriffs in the province did so. I observed to him that if the bailiffs' fees were too high, they ought to be reduced; that he had no right to take a farthing of their fees; that in consequence of his retaining part of their fees, the responsible bailiffs in the district were not employed; that Mr. Stephen Barnard, Samuel Mallory and John Chamberlin, bailiffs, had refused to do any business in the provincial court and king's bench, unless they could have all their fees. I stated to the sheriff that the three bailiffs before mentioned had applied to me to make a representation to the Court of King's Bench on the subject of his refusing to employ them unless they would give him part of their fees; he said he did not care, they or you may do your best.

17. What did you understand his meaning to be by this answer?—What I understood was, that whether he did right or wrong the court would protect him.

18. When and where did the said Whitcher attend to the duties of his office?—Any time when he could be found, in the street, in the fields, in stores, in taverns, or at his own house; he was likely to be found at one of those places as well as another.

19. Was he, when found, prepared to attend, without delay, to his duty as sheriff?—He was obliged to go to his house, the court house, or some other place, to get the necessary papers.

20. Do you know of any particular case, where injury resulted to the party from such delay, or from his not having a regular office and hours for attending thereat?—I do not recollect at this time of any particular case, but in almost every case, more or less injury resulted from his not keeping a regular office open, and from the delay in consequence of not knowing where to find him.

21. Are there not frequently cases of great urgency when the sheriff's warrant is required to arrest absconding debtors, and to seize their goods and effects?—Yes, frequently; more particularly so, because the court is situated near the frontier.

22. Have you any knowledge of the management of the gaol by the said sheriff?—I have no personal knowledge, though I have heard much complaint from the gaoler and prisoners. The gaoler complained of the want of provisions for the prisoners, and that he was obliged to purchase provisions for them with his own money, which he could not get again from the sheriff. I think the prisoners have complained that the provisions were of a bad quality.

23. What has been the conduct of the said sheriff towards the prisoners confined in the gaol of that district?—I have no knowledge of it.

24. Have you any and what knowledge of the incidental expenses of the gaol for the years 1831, 1832, 1833, 1834 and 1835?—I have not.

25. Having read the petition of divers inhabitants of the district of St. Francis, complaining of Charles Whitcher, Esquire, sheriff of said district, have you anything further to add

Correspondence
respecting
Mr. Whitcher.

to your testimony before the committee?—I will add that there has been great difficulty in obtaining sheriff's bailiffs to do the duty of the sheriff, in consequence of the difficulty of getting their pay from the sheriff when the money would come into his hands. All his bailiffs have stated to me that they would never get any of their fees from him if he received them: that I have always found great difficulty to get money from him when he had received any from my clients: that he still retains money belonging to my client: that in the cause No. 75 in the provincial court, *William Kelly v. William W. Williams* and one Osgood, I obtained a *prise de corps* against Erastus Hubbard as guardian to the effects seized in virtue of an execution issued in the above cause, which *prise de corps* was by order of the provincial judge directed to said Whitcher, as sheriff. Upon my giving him the writ, he demanded 12 s. 6 d. before he would execute it, or cause it to be executed; accordingly I paid him the 12 s. 6 d. and took his receipt. The sheriff took the writ and informed me some time afterwards, that the guardian had settled the debt and all costs; I then required him to return me the 12 s. 6 d. which I had advanced to him; he said he would not; that I must apply to the court. I observed that I might as well lose it at once as to apply to the court, knowing that I should never get it by applying to the court. I have not received it from the sheriff to this day.

26. Will you explain your answer to the third question on your examination before this committee yesterday?—The knowledge which I have of the sheriff's manner of selecting jurors, is, that he consults the bailiffs in the remote parts of the district, and makes out his list of jurors on their information.

Friday, 12 February 1836.

Mr. Amos Fox, called in; and examined.

27. When were you appointed a sheriff's bailiff in the district of St. Francis?—In 1825 or 1826.

28. Have you acted as such during the whole time since that period?—I have.

29. Please to state to the committee what you know of the sheriff's manner of selecting jurors to serve in the Court of St. Francis.—He used to select them throughout the district, before the Act of the Legislature regulating the manner of selecting and summoning jurors.

30. Were they called from the more remote parts of the district generally?—I am not able to state that that was the fact; I have heard it often said that the jurors were taken from the most remote parts of the district previous to the Act above alluded to.

31. What were his motives for doing so?—I am not able to judge.

32. Have you been employed by the said Whitcher to summon jurors?—I have.

33. Please to state to the committee what you know of his manner of performing this duty?—In the first year or two after the establishment of the court, and the appointment of the said Whitcher to the office of sheriff, he employed me and one Wells to summon jurors; since that time he has mostly employed for that service bailiffs recently appointed.

34. Has the said Whitcher at any time required a part of your fees for summoning jurors; if so, what part did he require?—He has; he directed me to charge mileage from my residence to the place of service, which was 2 s. per league, and 2 s. for the service; then I made my return from my residence to the sheriff, for which I charged 2 s. per league. He never would tell me positively what part of the fees he would require from me, but intimated several times that he would require one-third of the fees; and on some other occasion he would require the fees on the return from my house to the court house; the distance is ten leagues.

35. What part of your fees did you allow the sheriff on the settlement of your accounts?—We have never settled our accounts. I have often demanded of him a settlement, but he always put me off, saying that he had not yet received the money from government.—About four weeks ago, and since he returned from Quebec, where, as I am informed, he was examined before a committee of this house, he came to my house on a Saturday evening, and expressed a great anxiety to settle his accounts with me, which most astonished me, as I had given up the idea of getting any part of my fees for having summoned jurors, and because he had never before evinced any disposition to settle with me. My papers not being ready, I therefore could not settle that evening. Sunday evening following, as I was passing Mr. Brooke's tavern, he hailed me and desired me to call on him on Monday morning with my account, and he would settle. I called accordingly, and the said Whitcher selected that part of my account relating to summoning of jurors, which he paid, without deducting any part of my fees, and also paid me back fifteen dollars which he had at a previous period claimed and received from me as a part of my fees for other services in the Court of King's Bench.

36. Has he required vouchers of you at any time?—He has; which I have furnished.

37. Are the fifteen dollars you state which he refunded to you, the only fees which he required of you, and has returned?—They are not; he has always claimed one-third of my fees. He never paid me any fees that came into his hands before the fifteen dollars mentioned above. I think he retains still about the sum of 10 l. which is connected with that part of my account which he did not settle at the time above alluded to. I have since called on him at Sherbrooke, and demanded a settlement; he answered me that he had not had time to refer to his records, and could not attend to it.

38. Have you suffered in consequence of the said Whitcher not settling with you regularly?—I have.

39. Has

39. Has this been his practice with other bailiffs?—I have reason to believe that it has been his general practice with his other bailiffs.

40. Have you any thing to add to your testimony before this committee on the said petition?—I have not at this time.

Edward Short, Esquire, called in; and examined.

41. How long have you been practising as an advocate at the Court of St. Francis?—Since the year 1831.

42. Have you any and what knowledge of the manner in which Charles Whitcher, Esquire, sheriff of said district, has selected and summoned jurors to serve in that court?—I have no personal knowledge on the subject. I have heard complaints made of the manner in which the said sheriff selected and summoned the jurors. The information which I have derived from Mr. Whitcher has been such as to exculpate him from blame as to the manner of his selecting jurors.

43. Do you think that the complaints which you have heard are groundless?—The complaints were made by persons of respectable character. If I should found my opinion from the character of the complainants, I should say that they were well founded; but if, on the contrary, I should judge of the complaints from the explanation which the sheriff himself has made to me, I should say that they are unfounded.

44. Do you know of the said Whitcher's requiring the bailiffs to pay him any part of their fees?—I have no personal knowledge on that subject; but I have heard several of the bailiffs say so, and Mr. Whitcher has always denied to me that he has made such exaction.

45. Do you know that the said Whitcher has been partial or unjust in the discharge of his duty as sheriff of said district; if so, please to state to the committee what knowledge you have on the subject?—I have no personal knowledge on the subject; but I have frequently heard complaints from attornies, bailiffs and suitors, against the sheriff, for partiality and injustice in the discharge of his duty. Complaints are made by the attornies and suitors that they could not find him in urgent cases during office hours; they also complained that he refuses to pay over money levied under executions belonging to them, without a special order from the court to that effect. The complaints of the bailiffs are, that in consequence of their refusing to allow him a portion of their fees, he has refused to give them employment. Of this practice of the sheriff the attornies have complained, inasmuch as they could not employ the bailiffs they wished.

46. Does the said sheriff keep and regularly attend in an office?—He does not; and he has never done so since I have been in the district.

47. Where is he to be found when his services are required?—When I require the sheriff's services I look through the village, and if I do not find him I go to his house, which is about a mile from the court house. I have been generally fortunate in finding him at one of these places. I will add, that the sheriff sometimes calls at my office to ascertain if I have any business, or if I am likely to have any during that day, in which his services would be required.

48. Can you always say positively that you would not require the services of the sheriff during any given time?—I could not. I cannot say at any time but that I may require the sheriff's services the next hour.

49. Have your clients suffered from your not finding the sheriff when you required his services in urgent cases?—I do not recollect any particular instance where my client's action has sustained any injury from not finding the sheriff when required; but a good deal of unnecessary delay is occasioned by his not keeping his office open during the regular hours for business.

50. Have you any knowledge of the sheriff's conduct in the case, Widow Fanny Haskell, defendant, No. 185?—If the case mentioned in this question be an action that was brought some time ago in the Court of King's Bench, in the district of St. Francis, by Ebenezer Peck, Esquire, as curator to the vacant estate of the late W. Baxter, against Fanny Haskell, in her capacity of tutrix to her minor children, the issue of her marriage with her late husband, I do know something of it, having been the attorney for the plaintiff in that case. I was not present when the sale of the property seized under execution issued in that cause; but the sheriff came to me immediately after the sale had taken place, and told me that he had refused the widow's bid, and that of Mr. Spalding, because they told him that they had not the whole amount of their bid in money at that moment, and that they had offered him a check on the Montreal bank, either for the whole amount or for the balance, which he had refused, in compliance with instructions from E. Peck, Esquire, plaintiff, who was present, and who insisted that the property should be adjudged to Mr. Baxter, unless they should produce the whole amount of their bid instantly; and the property was accordingly adjudged by him to Mr. Baxter. He further told me that both of them had bid higher than Mr. Baxter. I informed him then that I thought he had done wrong in rejecting their bids; and I am persuaded that in that instance he was led into error by Mr. Peck, and not influenced by any improper motives. Subsequently Widow Haskell presented a petition to the Court of King's Bench, to set aside the adjudication of the property to Mr. Baxter, which I resisted, until a compromise was effected between the parties, by which the property in question was relinquished by the adjudicator.

51. Have you any knowledge of the sheriff's treatment of the prisoners in the gaol?—I have no personal knowledge. I have heard complaints made of the sheriff's treatment to the prisoners.

Correspondence
respecting
Mr. Whitcher.

52. Have you any knowledge of the sheriff's contingent account for the gaol?—No personal knowledge; but I have heard complaints on this head also.

Saturday, 13th February 1836.

Mr. Robinson Gavin, called in; and examined.

53. How long have you resided at Sherbrooke?—Between five or six years in the village of Sherbrooke, and nearly nine in the county.

54. Have you any knowledge of the manner in which Charles Whitcher, Esquire, sheriff of the district of St. Francis, has performed the duties of sheriff in the said district?—I have.

55. Will you state to the committee what that is?—Being appointed curator to the vacant estate of Thomas Reiley, late of Sherbrooke, deceased, I obtained a judgment in the Court of King's Bench in March 1832, against Charles Bridgman Felton, then prothonotary of the court at Sherbrooke, and brother-in-law to the said sheriff, for 17*l.* and costs. I repeatedly applied during fourteen months to the said prothonotary for an execution against himself, which I could not obtain. Having discovered in the month of June 1833 that some wine and flour, namely, three barrels of flour, worth at that time about 10 dollars per barrel, and a barrel of wine and other articles, had come to Mr. Felton, I immediately went to the court house, the court then sitting, and through my attorney obtained execution on the aforesaid judgment, which was directed to the sheriff of the district. The sheriff's office not being open, nor could I find him about the court house nor in the village, I borrowed a horse and hastened to the house of said sheriff (nearly a mile from the court), where I found him about one o'clock in the afternoon. I requested him to attend to it without delay, at the same time informing him where and what the property was that I wished to seize; he declined doing so himself, stating that he would not execute a warrant directed to himself. He then wrote a warrant and directed it to his bailiff; I again requested him to attend to it himself immediately, as I feared that if the said Felton got home from the court he would secrete the property; he again declined, and told me to go and look for his bailiffs, refusing to do so himself. I then proceeded to the court house and found one Dresser, whom the sheriff had informed me was one of his bailiffs, who refused to execute it, stating that he would not do it either for me or the sheriff. I then looked through the village for another bailiff, but found none. After consulting with my attorney on the subject, we went together to the sheriff's house, and I informed him that I could find only one bailiff, who had absolutely refused to execute the warrant. He told me to go back to the said bailiff, and to request him in his name to do it; my attorney, Mr. de Tonnancour, and myself requested him again to execute it himself immediately; he said that he would not attend to it himself. I then took the warrant again from him and went with my attorney in search of the aforesaid bailiff (Dresser); we met him in the road near the sheriff's house, and requested him, in the sheriff's name, to execute the warrant; he said that he would have nothing to do with it, and refused to take it. We returned again to the sheriff's house and explained what had passed; my attorney then requested him to attend to it himself, or to make a special appointment of some bailiff attending at the court, or some other person, to execute the warrant; he said that he would not; that if he did not find one of his bailiffs on the following day, he would make such special appointment. I then informed him that if the seizure was made before Mr. Felton got out of court, I should secure the debt and costs; but if deferred until the next day I should lose both. He then took out his watch and said it was nearly six o'clock p.m. and too late to do any thing about it that day, which he said in a harsh way. He came to me the next day at about 11 o'clock, and said that he was ready to make an appointment of a bailiff. Having ascertained that the property was gone, I told him it was of no use, the property having been secured by Mr. Felton. I have never been paid the debt, nor do I expect to get any thing, Mr. Felton having left the country.

55½. Do you know the reason why the sheriff refused to appoint a person specially one day, and on the following day was willing to make such appointment?—I think it was because the sheriff wished to give to his brother-in-law, Felton, an opportunity to return from the court and secrete the property.

56. Have you any other complaints to make of Mr. Whitcher as sheriff?—Yes, because he does not attend at his office regularly. He was not at his office when I obtained the warrant above mentioned, and I should not have had so much trouble if his office had been open.

57. Do you know whether Mr. Whitcher has been in the habit of exacting a part of the fees of the bailiffs by him employed?—All the knowledge I have is, that I heard John Chamberlin, a bailiff, declare on oath in court, about two or three years ago, that the sheriff declined giving him any more business unless he would give the sheriff, I think, half of his fees. Chamberlin stated this on his examination as a witness in a cause in which Mr. Whitcher was sued by a bailiff of the name of Terrill.

58. Have you any knowledge of the manner in which the prisoners in the gaol at Sherbrooke have been supplied with provisions?—I have heard many complaints from the gaoler, stating that the sheriff neglected his duty in not furnishing the necessary provisions for the gaol. Not having bread for the prisoners, the gaoler was obliged to furnish meat and potatoes of his own.

59. Have you any thing to add to your testimony before the committee in the case of said sheriff?—I have not at present.

Mr. *Levi Spalding*, called in ; and examined.

60. Do you know Charles Whitcher, Esquire, sheriff of the district of St. Francis?—I do; I have known him since September 1834.

61. Have you any knowledge of the manner in which the said Whitcher has performed his duty as sheriff of that district?—I have.

62. Please state to the committee what you know on the subject.—In the month of September 1834, I appeared at Sherbrooke as agent for the defendant, in a cause, *Peck v. Haskell*, No. 185, in the Court of King's Bench, for the purpose of settling the execution against the defendant, and also another execution in a cause in the same court, *Baxter v. Haskell*, No. 168. On the former execution the real property of the defendant had been seized, and advertised to be sold on that day by the said sheriff. I informed the sheriff early in the morning previous to the sale, on the highway in the village, where I found him after having spent some time in search of him, that I was prepared to pay the whole amount of legal claims on the property advertised, but that the defendant wished to have the property brought to a sheriff's sale, for the purpose of getting a sheriff's title. I told the sheriff that the defendant had sold building lots and mill privileges to several individuals, who held her bond for good and sufficient titles, on which they built shops, houses and mills. I also told him that the residue and remainder of the property in question, the defendant held in trust, as tutrix to her minor children, issue of her marriage with her late husband. The whole property in question had formerly belonged to Freeman and Cobb Haskell, the latter of whom sold his undivided portion to Mr. Stephen Foster. A division had been agreed upon between the said Foster and the Widow Haskell, in her capacity of tutrix as aforesaid; and our object in allowing this property to be sold by the sheriff, was, that the defendant might obtain a sheriff's title to the property, to enable her to legalize all the agreements which she had entered into in her capacity as aforesaid, with the parties aforesaid. After thus stating the circumstances under which the property in question was placed, I asked him if he could comply with the wishes of the defendant, to which he answered that he could, and said that it was a very common transaction for defendants to allow their property to be sold for such purpose; he said that there was no danger of its passing out of the defendant's control, as she was a legal bidder, and that it was in her power to stop the sale at any moment, if any person should appear at the sale, and bid the property above the amount of the aforesaid executions. Having made some observations to him about the poundage, he replied that it was merely 2½ per cent. I then informed him that I was acting agent for the widow, and that in that capacity I should bid on the property, so that it might not be sold to any other person. Immediately after this, the sheriff proceeded to the sale at his office in the court house, and called for bids on the property; the bidders were, Mr. Kimball for the plaintiff, and myself for the defendant. When my bid amounted to about 150 *l.* the amount of the said claims, Kimball ceased to bid, and then I demanded the sheriff to adjudge the property to me, as agent to the defendant; whereupon the sheriff replied that the property is up for sale, and it must be sold to the highest bidder. On hearing this, Mr. Portus Baxter, part owner of the said execution, began to bid, and continued so to do against me until I was forced to bid 304 *l.* That being the highest bid that was made on the property, the sheriff refused to adjudge it to me until I should count the whole of the money on the counter. I had in my pocket about 250 *l.* in current bank notes, the greater part of which sum was of the banks of Canada, which I put down on the table, and stated to him that I would give him a draft on my friend, payable at sight, in Montreal, for the balance of my bid; that I would give him instantly a good and sufficient security for the payment of my draft, who was Mr. Erasmus Lee, farmer, of Stanstead, who was then present. The sheriff replied to this that he could not accept of my bid, unless the whole sum should be paid down in cash. At this stage of the business, I entreated him to suspend the sale until I would bring Mrs. Haskell, who was at the inn; he complied, and I brought Mrs. Haskell, who made the same bid of 304 *l.* and demanded of him to adjudge the property to her. The sheriff demanded of her the amount of her bid, to which she did not reply. The sheriff then adjudged the property to Mr. Baxter, for the sum of 303 *l.* and required of him to pay down 153 *l.* in cash, allowing the said Baxter to retain the difference, say 150 *l.*, as the privilege of the plaintiff, and conveyed the property by deed to said Baxter. Nearly six months after, the defendant (Mrs. Haskell) applied to the Court of King's Bench by a petition, praying the court to amend the sale, upon which Baxter compromised, and in consequence the property was deeded to me by the said Baxter, as agent for Mrs. Haskell.

Monday, 15th February 1836.

Mr. *Levi Spalding*, again called in ; and examined.

63. Have you any thing to add to your answer to the 62d question given on the 13th instant before the committee?—I will add that the damage sustained by the defendant in consequence of the property being adjudged to said Baxter, in the way of costs, was upwards of one hundred dollars, besides legal fees and poundage.

64. Have you any knowledge of the said sheriff's manner of selecting and summoning jurors to serve in the courts of the said district of St. Francis?—I have not.

65. Have you any knowledge of the said sheriff's treatment of the prisoners in the gaol of the said district?—I have none.

Correspondence
respecting
Mr. Whitcher.

66. Have you any knowledge of the said sheriff's contingent accounts of the gaol in said district?—None.

67. Have you anything to add to your evidence on the petition against Charles Whitcher, esquire, sheriff of the district of St. Francis?—I think of nothing more.

Mr. John Chamberlain, called in; and examined.

68. How many years have you been a bailiff in the district of St. Francis?—About 10 years last June.

69. Have you any knowledge of the manner in which jurors have been selected and summoned in the district of St. Francis?—My knowledge on the subject relates to what took place four or five years ago; since then I have not been employed as bailiff to summon jurors.

70. Were jurors, at the time you mention, selected from persons residing at a distance from the court house, in preference to persons residing nearer?—They were.

71. During how many years did the practice exist of summoning jurors from a distance, in preference to persons residing nearer the court house?—Ever since I have been a bailiff; and my impression is, that the practice exists up to this day.

72. Please state what makes you think that the practice still continues?—I can state positively that they are still summoned from a distance in preference to persons residing near the court, and there has been no interruption in the practice up to this day.

73. What are the fees of the sheriff for summoning jurors?—Three shillings per league, for travelling from my residence to the place of service, and 2s. for each service, as the sheriff informed me, and my accounts were made accordingly.

74. What motives do you suppose have actuated the sheriff in preferring to summon jurors from a distance, rather than persons residing nearer?—My impression has always been, that his object was to augment his fees.

75. There is a complaint contained in the petition before the committee, that the sheriff has required his bailiffs to pay him a part of their fees; could you give the committee any information on this subject?—As respects the complaint contained in the petition, I remark that the petition was got up without my knowledge. Shortly after I gave security to the sheriff as bailiff, I had a conversation with him on the subject of doing his business; he observed that I might have the portion of business arising in the part of the country where I lived, provided I would do it on the same conditions as his other bailiffs, namely, to give him one-third of my fees: my answer was, that if the other bailiffs had agreed to do so, I would do the same. On inquiring of older bailiffs in the district, namely, Mr. Barnard and Mr. Terrill, they informed me that the sheriff had demanded of them that portion of their fees, but that they had refused to give it to him: upon this, after having done business for him as bailiff during two or three years, I called on him for the first time for a settlement of our accounts; he then made claims for one-third of my fees; I refused to allow it to him, inasmuch as other of his bailiffs had informed me that they did not make such an allowance, and I mentioned the names of Mr. Barnard and Mr. J. M. Terrill. At the time I was informed by two of his bailiffs, namely, William Wells and Samuel Mallory, that they had made such allowance. The settlement was not effected then, and was made by my suing him about a year afterwards, for all my fees, for which I obtained a judgment. The action did not comprehend my fees for summoning jurors. Before suing him, he gave me his note for two-thirds of my fees for summoning jurors, and I gave up the other third to him, which third amounted to about between three and five pounds; though at the same time I gave him vouchers for the whole amount of my fees, in order that he should recover the same from government. My reason for giving up that part of my fees was, that I considered it the only way to get a settlement. Since my refusing to give him one-third part of my fees, he has struck me from the list of his bailiffs, though, at the same time, he has refused to give me up my bond, and has not employed me since; and he has assigned me no other reason than my refusal to give him that share of my fees. He often remarked to me that I did the business more correctly than any other bailiff in the district.

76. Did the said sheriff plead in his defence to your action that you had agreed to give him a part of your fees?—He did not; after having got the cause put off for two terms, he confessed judgment.

77. Have you any thing more to add respecting the said sheriff's exacting a part of the fees of his bailiffs?—Mr. S. Mallory, who informed me that the reason why he did not come down to attend this committee as a witness, was, that one of his children was on the point of death, told me that after Mr. Whitcher had returned from Quebec a few weeks ago, he had gone to him, and after having ascertained the amount which he had received as a part of Mr. Mallory's fees, as a bailiff, gave his note to him for the amount. Mr. Mallory also stated that he had a long standing account for other services with the sheriff, and he had been trying for a year past to effect a settlement, but without success.

78. Have you ever had any conversation with the sheriff since you came to the settlement you have spoken of, on the subject of his having exacted a part of your fees for summoning jurors?—After he returned from Quebec, a few weeks since, he called upon me, and told me that the object of his journey from his residence to Stanstead was to effect a settlement with all his bailiffs, and that he wished to effect one with me, and be on friendly terms with me for the future. I told him that having had none of his business for many years, there was nothing to settle. He then observed, that since I had no claim against him, he begged of me to give him a certificate that he had honorably paid me for all the services I had performed

formed for him. I told him I was not prepared to give him a certificate of that kind, or any other. He did not speak to me, nor did I to him, about the fees he had retained of me. I was the more surprised at his visit, as for many years previous he had said little to me, and that coldly.

79. Will you state where William Wells, a bailiff, referred to in your answer to the 75th question, resides?—He resided at Burlington, in the State of Vermont, the last time I heard of him. I think he left the country about three years ago.

80. Will you state to the committee if you have met with delays in your business with the said sheriff, in urgent cases, in consequence of his keeping no regular office?—I have frequently been delayed in getting out the sheriff's precepts or warrants, in consequence of his absence from his office, and from his home; and I could not find him in the neighbourhood, nor any person to transact business for him; and I think, to the best of my knowledge, it is generally the case with everybody that has business to transact with him.

81. Have you any knowledge of the said sheriff's treatment of the prisoners in the gaol of that district?—I have not.

82. Have you any knowledge of the said sheriff's contingent accounts?—I have not.

83. Have you anything to add to your testimony on the said petition against the sheriff of said district?—Nothing.

Tuesday, 16th February 1836.

Mr. *Hiram Moe*, called in; and examined.

84. How long is it since you were appointed a bailiff in the district of St. Francis, and by whom?—I think I was appointed in 1832.

85. Have you any knowledge of the sheriff's manner of selecting jurors to serve in the courts of that district?—The knowledge I have on the subject is, that I have summoned jurors for the sheriff before and since I was appointed a bailiff.

86. What fees have you charged for performing these services?—The first jury that I summoned I was employed by the day at 5 s. per day; the sheriff paid for my travelling expenses.

87. How many days did it take you to summon that jury?—I was employed for about 10 or 12 days to summon the whole body, namely, the grand and petit jury.

88. Did the sheriff receive the fee?—He did.

89. What was the amount of these fees?—They generally amount to between 15 l. and 20 l. for each body, including both the grand and petit jury.

90. Did the sheriff require you to sign vouchers for the amount?—I think he did.

91. What was the amount of your travelling expenses?—About 6 s. 3 d. per day.

92. After you were appointed a bailiff, what fees did you charge for summoning jurors?—It was 2 s. a league, for the actual travelling from my residence till I summoned the last juror on my list, and 2 s. for each service.

93. Do these fees include all the sums charged by the sheriff to the government, for the summoning of jurors?—I have understood from the sheriff that he received 3 s. a league from government, and 2 s. for each service.

94. Do you know whether the sheriff charged the government more mileage than what you had charged in your accounts for summoning any jury?—I do not know that he did; I do not distinctly recollect.

95. Has the sheriff latterly allowed you 3 s. a league for summoning jurors; if so, state what reason he gave you for doing it?—I summoned a part of the jury to attend the court which opened on the 1st of February instant, and he allowed me 3 s. a league, stating that he did so because he received that sum from government.

96. Did he reimburse the difference for the services previously performed by you in summoning jurors?—He did for the summoning of the jury before I was a bailiff.

97. What sum did the sheriff reimburse to you, and when and where did he do it?—I think about 10 l.; he gave me 5 l. in cash, and his promissory note for 5 l., which I hold. It was at Sherbrooke, and since he returned from Quebec this winter.

98. What reason did he give you for making such reimbursement; did you apply to him for such reimbursement, or did the proposition come from himself; if so, state the conversation you had on the subject?—He came to my residence and asked me if I had any claim against him. I told him I had not. He asked me if he had paid the whole of the fees for business that I had done for him. I told him that he had, according to our agreement. He then asked me if I had summoned any jurors when I was employed by the day to do so; I told him I had. He said that the house of assembly had called upon him to give an account of his proceedings with his bailiffs. The words he used were either those or to that effect; and that he must pay me the balance. He then produced the list of jurors I summoned before I was a bailiff, from which it appeared that the sum above stated was due to me.

99. Did you expect when you were summoning jurors by the day, that you should in future receive any favour or advantage from the said sheriff in any way?—I do not expect any favour. He told me at the time, that when I should become more acquainted with the business, he would employ me as a bailiff, and give the fees; he did so, as I have above stated.

100. Did he say any thing to you about the difference between the sum charged by you for summoning jurors since your appointment as bailiff, and that charged by him to government for the same?—He did not.

101. Did you agree with him to charge only 2 s. a league for mileage?—I did not; but I was under the impression that that was the sum allowed to him by government for mileage.

Correspondence
respecting
Mr. Whitcher.

102. When you summoned jurors, were they taken from persons residing at a distance from the court house, in preference to persons residing nearer?—They were not.

103. Did the sheriff ever require of you to give up a part of your fees for other services as a bailiff, than those of summoning jurors?—I believe not for services done by me since I was appointed a bailiff. Before I had served writs for him at 5 s. per day, and travelling expenses.

104. Have you any knowledge of the persons employed to summon jurors of late, other than yourself?—I know that some other bailiffs have been employed to summon jurors, but I do not know on what conditions.

105. Do you know that the said sheriff has been partial and unjust in the performance of his duty as sheriff?—I do not; I have heard bailiffs complain that the sheriff did not use them fairly.

106. Does he keep an office open every day at regular hours, for the transacting of business as sheriff?—He keeps an office, but I do not know whether it is open regularly.

107. Have you, or do you know of any persons having suffered delay and damage, from his office not being open at regular hours?—I know that people have to go to his house to find him.

108. Do they always find him there?—Not always.

109. Is he often from home, and for days together?—He is not always to be found when he is wanted. I have frequently known him to be absent from home, at Stanstead or Quebec.

110. Who performed his duty when he was absent?—His son, Charles W. Whitcher.

111. What is his age?—He is under age.

112. Have you anything to add to your testimony before the committee on the petition of divers inhabitants of the district of St. Francis?—I have not.

Friday, 19th February 1836.

Mr. *Samuel Mallory*, called in; and examined.

113. How long have you been a bailiff in the district of St. Francis?—I think since 1829.

114. Have you been employed by the sheriff of the said district to summon jurors?—I have.

115. Please state to the committee what you know of the said sheriff's manner of selecting and summoning jurors in that district.—With regard to the selecting of jurors, I have no personal knowledge; but as to the summoning, I have followed his directions with regard to the fees.

116. What have been the fees which you have charged on such services?—I have charged for all actual travel, 3 s. a league, and 2 s. for each service.

117. Has the sheriff required of you a part of such fees?—Before I commenced doing business for him, he observed to me, that if I did his business, I must do it as other bailiffs had done, which was to allow him one-third part of all fees.

118. Did you allow him one-third part of your fees?—He has reserved and kept one-third part of my fees for my services in summoning jurors, amounting to about 9 l.

119. Since what time did the said sheriff cease to require and retain one-third part of your fees?—Since about three years this month, I understood from the sheriff himself that the Court of King's Bench had made some observations with respect to his keeping any part of the bailiffs' fees, and that he wished me to charge him for the whole of my fees from the time I had commenced doing business for him, and I did so; but he has not yet fully paid me. Since he has returned from Quebec, he called upon me at my house, and he observed to me that there was a complaint against him before the house of assembly, that he had not paid his bailiffs, and that he had reserved a part of their fees, which were considered too high, on account of his keeping a part of the same; that also, he had summoned jurors from the more remote parts of the district, in order to increase his fees: and he had in consequence called upon me to settle whatever might exist between us, in case I should be called as a witness before the house against him; and he said, in speaking of the complaint made against him, you know better than that. These I think were his words, which had reference to the manner of summoning jurors.

120. Have you any knowledge of his summoning jurors from the more remote parts of the district, in preference to those persons who resided near the court?—I have not. I reside within four miles from the court house, and have summoned jurors only who reside within a circle of fifteen miles from said court.

121. Does the said sheriff keep an open office?—He keeps an office which is open during the sitting of the court.

122. Have you met with any delays from the said sheriff not keeping an open office, where he attends to the duties thereof regularly?—I seldom receive any papers from the sheriff; generally the plaintiff's attorney obtains the papers from the sheriff, and hands them to the bailiff. I have frequently heard the attorneys complain that the Sheriff was not at his office, and that they could not get the papers.

123. Have you any knowledge of the sheriff's conduct in the discharge of his duty as sheriff; has he been partial and unjust in any instance?—I have not. I have heard complaints against him for partiality from Isaac Robinson Gavin, of Sherbrooke. I think, two years last August, Mr. De Tonnancour, attorney for the said I. R. Gavin, spoke to me at about one o'clock p. m.; he wished me to execute a writ on the property of Mr. Charles B. Felton in
favour

favour of said Gavin, in his capacity of curator to the estate of one Reiley. The property in question consisted of two or three loads which were hourly expected at Sherbrooke. I waited at Mr. King's tavern, but heard nothing from the parties that day. Next morning I went early to the village, and saw the sheriff, who asked me where I was the day before; that much noise had been made on account that that writ was not executed the day before. He then gave me the writ and desired me to execute it as soon as I could, which I did on that day on some household furniture; the loads above alluded to, I could not find.

124. Is the sheriff's office regularly open in vacation?—I should think not.

125. Have you ever found it shut in vacation?—Yes.

126. Frequently?—Yes.

127. Do you suppose that inconvenience must result to the public from the sheriff's office not being regularly open in vacation?—I should think so.

128. How are the prisoners in the gaol supplied with provisions by the sheriff?—I do not know.

129. Do you know the contents of the petition of divers inhabitants of the district of St. Francis, complaining of Charles Whitcher, Esquire, sheriff thereof?—I do not. I heard that there was such petition.

130. Having read the petition, can you give the committee any further information on the same?—I do not know that I can.

Correspondence
respecting
Mr. Whitcher.

COPY of the MINUTES of EVIDENCE (referred to in the preceding Report) taken before the special Committee appointed to inquire concerning the fees and emoluments received by the several Officers of the courts of justice in this province.

Thursday, 17th December 1835.—LOUIS HYPOLITE LAFONTAINE, Esq., in the Chair.

Charles Whitcher, Esq., called in; and examined.

1. When were you appointed sheriff of the district of St. Francis?—I think in 1823.

2. Is there any and what fixed salary attached to the said situation?—50 *l.* sterling a year.

3. Do you hold any other office under government?—I am also deputy post-master.

4. What is the amount of the gross proceeds of your office of sheriff for the last five years?—

In 1831	about	£.46	14	—
1832	-	82	18	-
1833	-	75	18	-
1834	-	136	15	-
1835	-	119	9	-

5. What is the annual amount of the expense of your office for the last five years, for which you are not reimbursed by government?—

In 1831	about	£. 20	-	-
1832	-	24	-	-
1833	-	34	-	-
1834	-	36	-	-
1835	-	36	-	-

6. In what do those expenses consist?—In assistance in my office, and printing for my blanks, and stationery.

7. Do you employ any clerks, and what salary do you give them?—I have no regular clerk; I only employ an assistant occasionally.

8. What is the amount charged by you to government for the last five years, for contingent expenses as sheriff?—

For 1831	-	£. 64	2	-
1832	-	139	19	6½
1833	-	205	5	8
1834	-	195	6	8
1835	-	178	7	6

9. In what do those contingent expenses consist?—In 1831, they consisted in contingent expenses for the gaol and support of the prisoners, and summoning jurors and peace officers for the sessions of the peace. In 1832, they consisted in the services and disbursements in preparing jurors' list. The same in 1833 and 1834. In 1835, for the expenses of the gaol and support of prisoners, summoning jurors for the sessions, and for my attendance in attending the provincial court during the circuits in the district of St. Francis.

10. Could you produce, and when, copies of the said contingent expenses by you furnished to government, for the last five years?—I cannot, inasmuch as I do not keep copies of the detailed account sent in to the government.

11. How much have you paid to the king's printer during the last five years, for advertisements inserted by you in the Gazette by authority?—I think about 70 *l.*

12. How much do you charge for the titles you give to purchasers of immoveable property?—In 1831, I charged 20 *s.* when the purchase money did not exceed 30 *l.*; and afterwards 1 *l.* 10 *s.* when it did not exceed 100 *l.*; it varied afterwards. I gave the purchaser a deed, including all the lots in one range, and I charged 30 *s.* In August 1834 I charged 46 *s.* 8 *d.*

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Mr. Whitcher.

when the consideration exceeded 100*l.*; and during the year 1835, by an order from the court, I charged 25*s.* for each deed, and 5*s.* for each additional lot, without reference to the purchase money.

13. In virtue of what authority did you make the above charges in the years preceding the present one?—By virtue of a tariff, and the orders of the court.

14. Please produce a copy of the tariff regulating the fees of your office?—I have no tariff of the provincial court; but I produce tariffs of the Court of King's Bench, and the orders to which I allude, with the exception of one, which I shall produce to the committee as soon as possible.

15. Was no tariff ever made regulating your fees in causes instituted in the provincial court?—None.

16. How then do you regulate your charges in causes in that court?—They are generally regulated by the taxation of the judge in vacation, according to usage.

17. Does the judge observe any and what rule in taxing your fees in causes in that court?—Till within the last three years, he allowed 5*s.* 2*d.* for each writ of summons; 10*s.* for each attachment; 12*s.* 6*d.* for each *capias ad respondendum*, and 5*s.* 8*d.* for each execution, independent of the disbursements to the bailiff in the execution of those writs. Since that period he reduced the summons to 5*s.*

18. Do these charges include all your fees in causes in that court?—Yes.

19. What fees are allowed to bailiffs for services by them performed in the provincial court, in causes above 10*l.* sterling?—I cannot recollect; those fees are always subject to the taxation of the judge. There is no written tariff to my knowledge.

20. Is there no fixed rule establishing the fees of the bailiffs for such services?—No.

21. When a bailiff serves for you a summons in the provincial court, what sum is he allowed for mileage?—I think 6*d.* per mile.

22. Have you ever seen it taxed otherwise?—I think not.

23. Is not this a matter of frequent occurrence?—Can you not state positively what sum is allowed by the provincial court for mileage to bailiffs?—I think I may say positively, to the best of my recollection.

24. What sum is allowed them for mileage in the Court of King's Bench?—I refer to the tariff.

25. Do you receive to your use any and what part of the fees or emoluments of the bailiffs?—I do not.

26. Do you pay them by the year, or how?—The party generally pay them.

27. Are their fees on executions included in the sum by you retained out of monies levied by you?—Not always.

28. Please mention in what cases their fees are not included?—In cases when plaintiffs settled themselves with the parties.

29. Are the sums charged by you on executions, as fees of the bailiffs, paid over entirely by you to them?—When I receive them.

30. What sums have you paid to your bailiffs for the last five years?—I cannot tell.

31. When the same individual becomes the purchaser of divers immoveables sold in the same cause, do you grant him one title for all?—I have already answered this question.

Saturday, 19th December 1835.

Charles Whitcher, Esq., again called in; and examined.

32. Do you receive fees in some cases, not allowed by the written tariff?—I do not.

33. Are the bailiff's fees in some cases divided between you and the bailiff?—No.

34. Does the judge of St. Francis allow you fees in some cases, although not allowed by the tariff?—He does not, to my recollection.

35. What has been the annual amount, during the last five years, of poundage to you allowed by law?—

In 1831	-	-	£. 1	5	-
1832	-	-	2	-	-
1833	-	-	8	6	4
1834	-	-	15	14	-
1835	-	-	15	15	-

This poundage is derived from the sales of moveable as well as immoveable property.

36. On sales made by you, do you authorize persons to bid for you, or have you ever indirectly become the purchaser of property sold by you, or have you authorised persons to bid, in order to cause the property to be sold higher?—Not at all; unless the mere setting up of the property may be deemed as coming under this question.

37. Do the duties performed by you as postmaster, interfere with your duty as sheriff?—No.

38. Do you generally employ bailiffs residing in the township, or the nearest to the township where the service and seizure is to be made?—The advocates generally employ the bailiffs; I send the process to the bailiff named by the advocate.

39. Do they charge mileage from their place of residence or from Sherbrooke?—In the provincial court, the bailiff nearest to the residence of the defendant is generally employed; and that bailiff charges mileage from his own residence to that of the defendant. The same practice exists in the Court of King's Bench, unless it is given to the sheriff to send out.

Monday, 21st December 1835.

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respecting
Mr. Whitcher.

Charles Whitcher, Esquire, being again called in, requested that the following additions might be made to some of his answers, on his examination of the 17th and 19th instant, viz.:

To the 9th. The lists referred to are directed by the statute.

To the 12th. And I believe the further sum directed by the statute regulating the office of sheriff.

To the 13th. And by provincial statute.

To the 18th. Unless the process be executed by me, and I then make the same charge as bailiffs do.

To the 20th. I do not know of any.

To the 25th. I have no intention of retaining any part of their fees, upon a settlement of our accounts.

To the 28th. Or if not so paid, or when they are employed by me, their fees are transferred to my account with them, to be paid on settlement.

To the 29th. Or passed to our account.

To the 30th. I do not think that upon a final settlement with all my bailiffs, I am indebted to the whole in a sum exceeding 25*l*.

To the 32nd. Except for such services as are not contemplated in the tariff, or allowed by statute.

To the 33rd. All the bailiffs' fees received by me are carried to their credit, and to be paid to them upon a settlement of our accounts.

Mr. Whitcher was then further examined.

40. Could you produce, on your return home, detailed accounts of the physician employed to attend the prison of the district of St. Francis, for the last five years?—I will forward them in the course of next week.

41. Since how many years are your accounts open with your bailiffs?—I have not come to a settlement with any one since my accession to office, except with one two years ago.

42. For what reason?—Because I owe them so little; probably not anything.

43. Have they ever demanded of you to settle with them?—No, not to my recollection.

44. Are you positive in saying that no bailiff has asked you to settle accounts with him since your accession to office?—Not to my recollection. I am not sure whether Mr. Brooks did not say that he had his account in his pocket the last Court of King's Bench, or somewhat about that time; but I did not see him again after that day, and I do not think any other bailiffs ever asked me for the settlement of their accounts.

45. Have you ever declined paying bailiffs to whom you may be indebted, the sums which they have asked for, either in settlement of their accounts or in part payment?—I do not recollect.

46. Have you, since your accession to office, been in the habit of paying sums of money to bailiffs, when asked for, in settlement of their accounts or in part payment?—Yes.

47. You are then positive in saying that you have never refused to pay a bailiff the sum to him due when asked for?—Not to my recollection.

48. Do you not find it inconvenient to let your accounts with bailiffs remain unsettled for such a length of time?—I have not experienced any inconvenience.

49. Do the bailiffs experience any inconvenience from the practice?—I think not.

50. Have you ever expressed to any of the bailiffs by you employed, your intention of retaining a part of their fees or disbursements?—I think some bailiffs, some years ago, offered me part of their fees, if I should give them the preference of doing the business; but I have no recollection of ever having retained any.

51. What was your answer to the proposition?—I think my answer was, that I should give it to the bailiff that would do the business best; that is the only answer I made, to the best of my recollection.

52. What was your answer as it respected the keeping of part of the fees?—I do not know that I gave any decided answer.

53. Please state, as nearly as you can, the answer you gave, as it respected the keeping of part of the fees?—I do not know what answer I might have given them, as I had no intention of keeping any part of their fees.

Tuesday, 22 December 1835.

Charles Whitcher, Esq., again called in; and examined.

54. What part of their fees did such bailiffs offer to give to you on your employing them?—I think a third.

55. Have you anything to add to-day to your answer to the 53rd question?—I think I have not.

56. What is the name of such bailiffs?—I do not recollect.

57. How many bailiffs made you such propositions?—I do not recollect how many.

Correspondence
respecting
Mr. Whitcher.

58. Did more than one make you such propositions?—Yes, I think there might be more than one.

59. Did more than two make you such propositions?—I cannot tell, as I thought nothing of such propositions, not intending to retain any part of their fees.

60. Have you a book in which are entered in detail the accounts with your bailiffs employed since your accession to office?—I have not.

61. How then can you come to a settlement with them?—Because we generally keep our accounts nearly square, and I can refer to the returns of the bailiffs.

62. How do you know whether your accounts are balanced between you and your bailiffs?—From recollection, and by reference to the returns; and I dare say there are some of the returns that cannot be found. I could shorten this inquiry by a settlement with my bailiffs.

63. You say it is probable that some returns are lost; how do you account for this loss?—I do not think it essential to keep all the bailiffs' returns, particularly in cases where the parties have settled.

64. What become of such returns which are lost?—In some cases the bailiff writes to me that the parties have settled.

65. State the names of the bailiffs who made you such propositions?—I think Messrs. John Adam Brooks and John Chamberlin, and perhaps half a dozen other bailiffs. (The witness wishes to substitute the word "some" for the words "half a dozen.")

66. Please to state the names of such other bailiffs?—I do not recollect their names; and I would also venture to state, to the best of my recollection, the names of Amos Fox, Samuel Mallory, John Foster Dresser, W. Wells, T. C. Butler, Hiram Moe, John Johnson, Incris Bullock and J. Ball.

67. About how many bailiffs have been employed by you since your accession to office?—There may be about 12.

68. When the parties come to a settlement, do not the bailiffs send in to you their returns?—Not always.

69. What becomes of the other returns which are lost, besides those in which the bailiffs write to you that the parties have come to a settlement?—I generally put them up in bundles, and I do not know that they are lost, though it is probable they are.

70. How do you account for the probability of the loss of such returns?—Because I did not think their preservation was of any consequence.

71. Have you destroyed them?—Not to my knowledge.

72. What makes you think that it is probable they are lost?—Because I did not think they required any particular care, for in some cases the advocate would say the case is settled.

73. Some returns being lost, how will you be able to come to a settlement with your bailiffs as it respects such returns?—If they are lost I must submit to the charge of the bailiffs if they make any claim; the probability is that the parties have paid them.

74. Have you attended the circuit courts, and why did you do so?—I have, since the statute appointing the holding of such circuits, except the last general circuit, and I did so from my receiving an intimation from the judge, that he expected I should do so. I did not attend the last general circuit because the judge relieved me from my attendance. I made an application to government a short time previous to the last general circuit, for payment of my expenses on the circuits, and I received for answer that they declined paying without explanation, the sheriffs in the other districts not attending circuits; and the judge intimated to me that these were circuits of the provincial court itself, whereas the other circuits were circuits in the inferior term; and he added that he would reply to government on his receiving any communication directly to himself on the subject.

75. Does the statute require your attendance at such circuit?—Not in direct words.

76. What is the sum you charge to government for such expenses?—I think about 40 l. since the establishment of the circuits.

77. Have you ever received any thing, and what sum, for such expenses?—I have not.

78. For what reasons does the judge desire you to attend the circuit?—The judge never assigned any reason to me; but I believe that he considered that the court would not be complete if I were not there.

79. What is the name of the only bailiff with whom you have settled, according to your own statement?—Hiram Moe.

80. Did you pay, on settlement, Hiram Moe the balance due him?—I gave him my note for the balance.

81. How many times have you given the first bid on any sale made by you as sheriff, in order to give the start to other bidders?—I do not recollect having ever done so.

82. For what reason did you add, in answer to the 36th question, "unless the mere setting up of the property may be deemed as coming under this question?"—I had no reason, it was a mere observation, because I recollect no instance.

83. Do you ever serve writs of summons yourself, and how often?—I think I have, but not very often.

APPENDIX.

(No. 1.)

Correspondence
respecting
Mr. Whitcher.

Province of Lower Canada, District of St. Francis. King's Bench. Sheriff's Tariff.

First class above 100*l*.

For the service of a writ of summons upon one defendant in actions of the first class, including every duty to be performed by the sheriff or others in his behalf, and every allowance to be made in or for such service and the return, mileage excepted	£. s. d.
- - - - -	- 10 -

Second class above 30*l*. and under 100 *l*.

For the like service of a writ of summons in actions of the second class, including as above, and mileage excepted as above	- 8 4
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Third class above 20*l*. sterling, and under 30*l*. currency.

For the like service of a writ of summons in actions of the third class, including as above, and mileage excepted as above	- 6 8
--	-------

Fourth class above 10 *l*. currency, and under 20 *l*. sterling.

For the like service of a writ of summons in actions of the fourth class, including as above, and mileage excepted as above	- 5 -
For the like service of every such writ of summons upon every additional defendant in actions of the first class, including as above, and mileage excepted as above	- 5 -
For the like service of every such writ of summons upon every additional defendant in actions of the second class, including as above, and mileage excepted as above	- 4 2
For the like service of every such writ of summons upon every additional defendant in actions of the third class, including as above, and mileage excepted as above	- 3 4
For the like service of every such writ of summons upon every additional defendant in actions of the fourth class, including as above, and mileage excepted as above	- 2 6
For every service of every writ of <i>capias ad respondendum</i> , including every duty to be performed by the sheriff, or others on his behalf, and every allowance to be made in or for such service and the return, mileage excepted	- 11 8
For the service of every writ of attachment or <i>arrêt simple</i> , if upon one defendant only, including every duty to be performed by the sheriff, or others on his behalf, in or for such service, mileage and the expenses of detaining the thing or things seized in the charge of the sheriff excepted	- 10 -
For the like service of every writ of attachment, or <i>arrêt simple</i> upon every additional defendant, mileage excepted as above	- 3 4
For the service of every writ of attachment by seizure (<i>saisie arrêt</i>) upon one defendant, including every duty to be performed by the sheriff, or others on his behalf, in or for such service and the return, mileage excepted as above	- 8 4
For the like service of such writ of attachment by seizure (<i>saisie arrêt</i>) upon any additional defendant, mileage excepted as above	- 4 2
For the service of writ of <i>saisie gagerie</i> upon one defendant, including every duty to be performed by the sheriff, or others on his behalf, in and for such service and the return, mileage excepted as above	- 11 8
For a bail bond	- 6 8
For the assignment of a bail bond	- 3 4
For summoning a jury, returning a writ of <i>venire facias</i> , including all charges incidental thereto, and the return	1 - -
For attending a jury by himself, or by deputy, if they retire	- 2 6
For every return of <i>non est inventus</i> or <i>nulla bona</i> on mesne process, or on a writ of execution	- 3 4
For the execution of every writ of possession, including every duty to be performed by the sheriff, and others on his behalf, and for every such service and the return, mileage excepted as above	- 11 8
For the execution of every order for the delivery of goods seized, or the discharge of a prisoner	- 3 4
For the entry of every opposition	- 5 -
For the return on a <i>fieri facias</i> when sales have been prevented by opposition <i>afin de distraire</i> , or <i>afin d'annuler</i>	- 3 4
For every deed of sale of immoveable estate, when the consideration does not exceed 30 <i>l</i> ., including the registry of the deeds in the sheriff's office	1 - -
For the like where the consideration exceeds 30 <i>l</i> ., including the registry as above	1 10 -

The mileage to be allowed to the sheriff in all cases of duty executed within the limits of the district of St. Francis, if such duty be executed by himself personally, or if not, to the sheriff's

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Mr. Whitcher.

sheriff's deputy by whom it shall be executed, and be calculated upon the distance between the residence of the sheriff's deputy in the township in which the duty shall be performed, per league out, and per league in, each 1s.

(A true copy.)

William Bell, P. K. B.

(No. 2.)

Province of Lower Canada, District of St. Francis. In the King's Bench.

3d September 1831.

Present—The Hon. Mr. Justice Kerr; the Hon. Mr. Justice Vallières de St. Réal; the Hon. Mr. Justice Fletcher.

Ordered, that from and after the last day of this term, the sheriff of this district shall be allowed the following fees and emoluments:—

	Currency.
For a procès verbal of seizure of goods and chattels under a writ of execution	- £. - 3 4
For every necessary copy of such procès verbal	- - - - 1 6
For the commandment and service of goods upon an execution	- - - - 5 -
For every return upon a writ of execution when the seizure has been prevented by violence or resistance, or where after seizure the sale has been prevented by the saisissant, or by the resistance of the saisie, or default of the guardian, or by opposition	- - - - 3 4
Upon every arrest of a person, or seizure of goods, the sheriff shall be allowed his necessary disbursements, to be certified upon oath by the sheriff or his deputy, and taxed by a judge of this court.	

By the Court,

(A true copy.)

William Bell, P. K. B.

(No. 3.)

TARIFF of FEES allowed to the Sheriff's Office in the District of St. Francis.

	Third Class, above 20 l. under 30 l.	Second Class, above 30 l. under 100 l.	First Class, above 100 l.
s. d.	s. d.	s. d.	s. d.
For the service of every writ of summons	- -	8 4	10 -
For every Opposition filed	5 -	4 2	5 -
For the service of every writ of capias ad respondendum	23 4		
For the service of every writ of arrêt simple, attachment, or gagerie, on one defendant	20 -		
For ditto, ditto on every additional defendant	8 4		
For every writ of attachment, saisie arrêt	11 8		
For executing a bail bond	5 -	7 6	
For every return of nulla bona, or writ of execution	5 -		
For the assignment of a bail bond	5 -	2 6	
For executing a writ of possession	30 -		
For an order to re-deliver goods attached, or to discharge a prisoner	3 4		
For the return of a fieri facias, when sales have been prevented by opposition or distraint, or annulled	5 -		
For the seizure of lands advertised in Gazette, &c.	23 4		
For every deed or sale, when the consideration is under 100 l.	30 -		
For every deed of sale, when above 100 l.	46 8		
For mileage, to be allowed in all cases of duty executed without the village of Sherbrooke, per mile, out and in	- 8		

(signed)

Edw. Bowen.

Vallières de St. Réal.

The above is the paper mentioned and referred to in the affidavit of William Seaton, sworn before me this 15th day of October 1835.

(signed)

J. Fletcher, P. J.

[Affidavit annexed to the preceding Tariff.]

Correspondence
respecting
Mr. Whitcher.Province of Lower Canada, } In the King's Bench.
District of St. Francis.

William Seaton, of that part of the township of Orford, known as the village of Sherbrooke, being duly sworn upon the Holy Evangelists of Almighty God, deposeth and saith, that to the best of his knowledge and belief, the annexed paper, which purports to be a tariff of fees allowed to the sheriff's office in the district of St. Francis, is a true copy of a tariff made by the Honourable the Court of King's Bench for this district, and bearing the signatures of the Honourable Mr. Justice Bowen and Mr. Vallières de St. Réal respectively, and which said tariff was compiled and directed by the said court to be used in future, as the tariff of the said court, with respect to the proceedings and fees therein mentioned, during the term of the said court, in the months of August and September 1834. And this deponent further saith, that he is enabled to make this affidavit with the more certainty, having been, at the time of the making of the said tariff, a clerk to Charles Bridgman Felton, Esquire, then prothonotary of this Honourable Court, and having himself made the said copy, which is in this deponent's own hand-writing, for the use of Charles Whitcher, Esquire, the sheriff of the said district, from the original which was then remaining of record in this court. And this deponent further saith, that he finds, on a diligent search in the office of the said prothonotary, that the said original record of the said tariff, from which such copy was made by him, this deponent, is at present lost or mislaid, and the same not having been entered in the book of general rules, or in any of the other registers of this Court, and the present prothonotary therefore not considering himself as authorised or warranted to make out an office copy thereof, he, this deponent, has consented, at the instance of the said sheriff, to make this affidavit, in order that the honourable the provincial judge may be enabled, on the taxation of such bills of costs as may be brought to him for taxation during the present vacation, to pay such attention thereto as he may think fit, under the circumstances before stated.

(A true copy.)

William Bell, P. K. B.

(No. 4.)

Province of Lower Canada, } King's Bench.
District of St. Francis.

29th August 1833.

Present :—The Hon. Mr. Justice Bowen ; the Hon. Mr Justice Vallières de St. Réal.

THE court considering that by the provincial statute in such case made and provided, the sheriff is directed to summon jurors in civil matters, within the distance of seven leagues from the court house in the village of Sherbrooke. It is ordered that from henceforth the sheriff of this district shall be allowed 1 s. for the summoning of each and every juror in any civil action or suit, and shall also be allowed mileage in the summoning of each and every such juror at the rate allowed him in the service of process *ad respondendum* returnable in this court.

Provided always that the amount of such mileage shall in every case be certified by the prothonotary upon the list of jurors. And regard being had to the distance *bonâ fide* to be travelled for summoning jurors, and the sheriff shall not be bound or compelled to summon the jury until the party prosecuting the execution of the writ of *venire facias* shall have deposited with such sheriff a sum of money equal to the full amount of his allowance for summoning such jury, and the mileage so certified as aforesaid. And provided further, that the certificate of the prothonotary shall not be final or conclusive, but in case of contestation the mileage so by him certified shall be subject to taxation after judgment according to the course and practice of this court.

By the court,
(A true copy.)

William Bell, P. K. B.

(No. 5.)

Province of Lower Canada, } In the King's Bench.
District of St. Francis.

29th August 1833.

Present :—The Hon. Mr. Justice Bowen ; the Hon. Mr. Justice Vallières de St. Réal.

It is ordered, that from henceforth the sheriff of this district be at liberty, in the service of all process *ad respondendum* issuing from or under the authority of this court against parties residing more than 10 miles from the court house of this district of St. Francis, to employ such bailiff as he shall see fit, and to charge in his disbursement the ordinary mileage thereon, notwithstanding that any other bailiff or bailiffs may happen to reside nearer to the domicile of such parties than the bailiff so employed, unless the party suing out such

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Mr. Whitcher.

process *ad respondendum* prefer to cause the same to be served at his own diligence on giving to the sheriff a discharge in writing from all responsibility touching the same.

By the court,
(A true copy)

Wm. Bell, P. K. B.

(No. 6.)

General Rule, 7th March 1835.

It is ordered, that from and after the making of this rule, whenever the sheriff or coroner shall have sold and adjudged two or more lands, tenements or immoveables to one and the same *adjudicataire* on one day, and in virtue of the same writ or writs of execution, it shall be in the choice and option of the *adjudicataire* to take from the sheriff or coroner, one act or deed of sale for all and every the lands, tenements or immoveables so sold and adjudged, or separate acts or deeds of sale for each or any of the said lands, tenements or immoveables. And the sheriff and coroner are severally permitted to ask and receive for all fees of office, for and upon every act or deed of all that shall be by either of them made and delivered, at the rate of 25s. for the first lot, and 5s. for every other lot or immoveable designated and conveyed in and by such act or deed of sale, and no more.

By the court,
(A true copy.)

Wm. Bell, P. K. B.

(No. 7.)

AMOUNT charged by Moses Nichols, esq., for medical attendance at the gaol at Sherbrooke, in the district of Saint Francis, from the 10th October 1830 to 10th October 1835.

To 10th October 1831, no charge.

	£.	s.	d.	£.	s.	d.
To visits, medicine and attendance for Robert Standish, a prisoner in the gaol at Sherbrooke - - - - -	2	10	9			
To visits, medicine, &c. for Henry Pease, a prisoner in the gaol at Sherbrooke - - - - -	1	2	6			
To visits, medicine and advice for samuel Pease, a prisoner in the gaol at Sherbrooke - - - - -	-	3	9			
To visits, medicine and attendance upon Peggy Standish, a prisoner in the gaol at Sherbrooke - - - - -	1	8	-			
To visits, medicine and attendance upon John Z. Corbitt, a prisoner in the gaol at Sherbrooke, from the 7th December 1831 to April 1832 - - - - -	7	10	-			
Half-year ending 10th April 1832 - - - - -				12	15	-
To visits and medicine for Harry Sharp, a prisoner in the gaol - - - - -	3	19	9			
To visits, medicine, &c. for John Z. Corbitt, a prisoner in the gaol - - - - -	3	12	-			
Half-year ending 10th October 1832 - - - - -				7	11	9
To visits, medicine, &c. upon John Camsky, a prisoner in the gaol of said district - - - - -	1	17	6			
To visits and medical attendance upon Thomas Pool, a prisoner in the gaol of said district - - - - -	5	7	6			
To visits and medical attendance upon John Parslow, a prisoner in the gaol of said district - - - - -	1	7	6			
To medical attendance upon James Rider, a prisoner in the gaol of said district - - - - -	-	16	6			
To medical attendance upon John Vanhassen, a prisoner in the gaol of said district - - - - -	1	7	-			
To medical attendance upon John Gilman, a prisoner in the gaol of said district - - - - -	1	2	6			
To medical attendance upon Moses F. Wright, a prisoner in the gaol of said district - - - - -	-	15	-			
Half-year ending 10th April 1833 - - - - -				12	13	6
To medical attendance upon Daniel Sprague, a prisoner in the gaol of said district - - - - -	-	17	6			
To medical attendance upon John House, a prisoner in the gaol of said district - - - - -	1	10	-			
To medical attendance upon Southmage, a prisoner in the gaol of said district - - - - -	1	2	6			
To medical attendance upon Nathaniel Hollister, a prisoner in the gaol of said district - - - - -	2	16	3			
To medical attendance upon Harry Hollister, a prisoner in the gaol of said district - - - - -	-	5	-			
To medical attendance upon John Gilman, a prisoner in the gaol of said district - - - - -	1	2	6			
To medical attendance upon Isaac Hill, a prisoner in the gaol of said district - - - - -	-	17	6			
To medical attendance upon Wm. M'Neal, a prisoner in the gaol of said district - - - - -	1	2	6			

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To medical attendance upon Jeremiah Lyford, a prisoner in the gaol of said district - - - - -	- 17 6	
To medical attendance upon Sylvester Cleveland, a prisoner in the gaol of said district - - - - -	1 2 6	
To medical attendance upon Richard Baldwin, a prisoner in the gaol of said district - - - - -	- 17 6	
To medical attendance upon Reuben Hill, a prisoner in the gaol of said district - - - - -	2 7 6	
To medical attendance upon Leonard Elms, a prisoner in the gaol of said district - - - - -	8 12 6	
To medical attendance upon Robert Marsh, a prisoner in the gaol of said district - - - - -	- 10 -	
Half-year ending 10th October 1833 - - - - -		24 1 3
To medical attendance upon Leonard Elms, a prisoner in the gaol of said district - - - - -	6 2 6	
To medical attendance upon John Murphy, a prisoner in the gaol of said district - - - - -	7 7 6	
To medical attendance upon William Wallace, a prisoner in the gaol of said district - - - - -	3 7 6	
Half-year ending 10th April 1834 - - - - -		16 17 6
No charge half-year ending 10th October 1834.		
To medical attendance upon Nathaniel Vial, a prisoner in the gaol of said district - - - - -	3 19 6	
To medical attendance upon Owen Cully, a prisoner in said gaol - - - - -	6 7 -	
To medical attendance upon Forbes Daime, a prisoner in said gaol - - - - -	2 13 9	
To medical attendance upon John Parslow, a prisoner - - - - -	2 3 9	
To medical attendance upon Alexander Burns, prisoner - - - - -	1 10 -	
Half-year, ending 10th April 1835 - - - - -		16 14 -
To medical attendance upon Forbes Daime, a prisoner in gaol - - - - -	- 7 6	
To medicine and attendance upon Alexander Burns, a prisoner in gaol - - - - -	2 - 3	
To medicine and attendance for John Coody, a prisoner in the gaol - - - - -	6 6 3	
To medicine and attendance upon Patrick Ivers, a prisoner in the gaol - - - - -	- 10 -	
To medicine and attendance upon Anthony Welsh, a prisoner in the gaol - - - - -	1 5 -	
Half-year ending 10th October 1835 - - - - -		10 9 -
TOTAL amount - - - - £.		101 2 -

Correspondence
respecting
Mr. Whitcher.

The original accounts having been forwarded to the government, and consequently now out of my possession, I am unable to compare them.

Charles Whitcher, Sheriff.

— No. 3. —

Enclosure to Duplicate Despatch from the Earl of Gosford, dated 9th September 1836.

House of Assembly, Thursday, 3d March 1836.

RESOLVED, That Charles Whitcher, esq., sheriff of the district of St. Francis, has not, since his appointment to that office, kept an open office, wherein he has regularly attended for the discharge of his duty as sheriff of said district.

Resolved, That the said Charles Whitcher, esq. has availed himself of his official power as sheriff of said district, designedly, illegally and corruptly to extort from bailiffs, his inferior officers, sums of money allowed and belonging to them, and that to the prejudice of the administration of justice and of the rights and interests of His Majesty's faithful subjects in this province.

Resolved, That the said Charles Whitcher, esq. is, in consequence, unfit to continue to hold the office of sheriff of the district of St. Francis, and that the said Charles Whitcher, esq., sheriff as aforesaid, ought to be removed from his said office, and from all other offices of honour or profit which he may hold under the Crown in this province.

Resolved, That an humble address be presented to his Excellency the Governor-in-chief, with a copy of the report of the special committee to whom was referred the petition of divers inhabitants of the district of St. Francis, complaining of Charles Whitcher, esq., sheriff of the said district, and evidence thereto annexed, praying his Excellency to take immediate steps to remove the said Charles Whitcher, esq., from the office of sheriff of the

Correspondence
respecting
Mr. Whitcher.

district of St. Francis, and from all other offices of honour or profit which he may hold under the Crown in this province.

Ordered, That Mr. Child, Mr. Toomy, Mr. Huot and Mr. Charles Drolet do present the said address to his Excellency the Governor-in-chief.

Attest. (signed) *E. B. Lindsay*, Clerk Assisting.

— No. 4. —

Enclosure to Duplicate Despatch from the Earl of *Gosford*, dated 9th Sept. 1836.

Gentlemen,

Castle St. Lewis, Quebec, 9th March 1836.

I REQUEST you to inform the House of Assembly, in answer to this Address, that as soon as Mr. Sheriff Whitcher shall have furnished such defence as he may have to make to the accusations preferred against him in the accompanying report and resolutions, I shall adopt such measures as his case may demand.

(signed) *Gosford*.

— No. 5. —

To His Excellency the Right Hon. *Archibald* Earl of *Gosford*, Baron Worlingham, of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Lower and Upper Canada, &c. &c.

May it please your Excellency,

HAVING received (through the civil secretary) your Excellency's commands to make "such defence as I should think proper to an address of the House of Assembly to your Lordship, requiring my removal from the office of sheriff of the district of St. Francis," I beg leave to submit to your Lordship a statement in answer to the several allegations contained in the report of the committee of the Assembly, upon which the address was founded, together with such documents as appeared to me necessary to explain or contradict the various charges therein contained. These documents I have from time to time referred to by number, to bear me out in the statements which I have now the honour of submitting to your Lordship.

I proceed, my Lord, to notice the first paragraph of the report, which, after stating that "the committee have carefully inquired into the complaints set forth in the petition" against me, goes on to observe, "That the committee have called witnesses from the district of St. Francis, whose residence, being near the court, and most of them advocates and bailiffs of that district, render them very competent to give correct testimony on the aforesaid petition." In answer to this I beg to observe, that I fully admit that no persons can be more competent to give correct testimony as to my public character and conduct, than the advocates practising within the district; but it is a fact worthy of particular observation, and to which I beg respectfully to call your Lordship's attention, that though there are 11 barristers resident and practising in the district of St. Francis, two only have been examined as witnesses before the committee; and as the testimony of gentlemen whose profession brings them into daily communication with me must be considered of some importance, I beg leave to offer a few remarks upon the character of the testimony given by these gentlemen. It cannot fail to be noticed, that the evidence given by Edward Short, esq., as printed and annexed to the report, does not contain a single allegation prejudicial to my public character or conduct. In answer to five most important questions submitted to him, viz. numbers 42, 44, 45, 51 and 52, he has distinctly stated, that he has no personal knowledge on the subject of those questions; and that, though there are allusions in that gentleman's answers to what was matter of report, I am authorized by him to say, that at the time those answers were given, questions had been submitted to him as to what he had heard reported, which questions do not appear printed; and I am further authorized by him to say, that he, at the time of giving these answers, stated to the committee, that they could not be considered by any court of justice as evidence of a fact. Having noticed thus briefly the testimony of this gentleman, I pass on to the evidence given by George Kimball, esq., perhaps the most important of any offered to the committee. I cannot but regret that I am compelled to notice the gross personal allusions; the anxious desire to distort facts, and the total disregard to truth evinced throughout the testimony of this gentleman, in a manner which may savour somewhat of severity; but I beg to remark to your Lordship, that I am compelled to adopt this course in self defence. It will be seen by reference to three affidavits accompanying this defence, and marked respectively No 1, that there existed, on the part of Mr. Kimball, a strong desire to injure my character and reputation, and also a desire to procure evidence against me, which would appear totally incompatible with the idea with his giving fair and impartial testimony before the committee, more particularly when not under the solemn obligation of an oath. That he was guilty of gross and wilful falsehood will appear by reference to the affidavits of Samuel Mallory and Patrick Read, marked respectively No. 1, wherein conversations that he alleged to have held with them, are (under oath) totally denied; facts that he stated to have been communicated by them to him are positively contradicted. It will also be seen, by reference to the affidavit of Nelson

Hill, marked No. 1, that he was active in endeavouring to procure evidence against me, and by the whole of these affidavits, that he made personal applications to those persons to make complaints against me. I cannot but think, my Lord, when these facts are taken in connexion with the bias evident in his answers to questions No. 3, 26, 16, 17 and 18, (in the printed evidence) with my own positive denial of the conversation he asserts he held with me, and the gross prevarication evident in several of his answers, particularly in answers 5, 16 and 26, that the whole of his evidence will be considered as totally unworthy of credit, and will not be for a moment allowed to weigh against statements showing its falsehood, made by respectable persons under oath.

Another also of the witnesses, Mr. Isaac R. Gavin, is contradicted in a charge of neglect and partiality which he has made against me, by the evidence of Mr. Samuel Mallory, as contained in his answer to question No. 123 in the printed copy of the evidence; and as to the general character of this witness's testimony, I beg to refer to his answer to question No. 55, wherein he states that through my negligence or misconduct he had never been paid the debt, alluding to a debt due to him by the then prothonotary of the district, Charles Felton, Esq., and in which execution had been levied, "nor did he expect to get anything, Mr. Felton having left the country." To prove the total falsehood of this assertion, I beg to refer to a certified copy of his own receipt, marked No. 2, remaining among the records of the court at Sherbrooke, and also to state that there has been a second sale of Mr. C. Felton's property in the same suit.

The partiality which it was alleged was shown by me at a sheriffs' sale, and to which Mr. Levi Spalding bears testimony, is the evidence of an interested party, and as such ought to be received with caution, the more particularly when certificates of impartiality have been forwarded to me from C. F. Goodhue and P. Baxter, Esqs., both large proprietors in the district, and present at the sale; these certificates accompany this defence, and are marked respectively No. 4.

Another of the witnesses examined (Mr. John Chamberlin), is proved by the affidavit of Mr. Mallory, marked No. 5, to have been guilty of a gross breach of duty while acting as my bailiff, and he was suspended by me for his misconduct. It can therefore hardly be supposed that his testimony is strictly impartial, and upon an examination of his evidence it will be found to be strongly and markedly opposed to a very great number of certificates which are forwarded herewith.

In fact, the major part of the evidence is founded upon what the witnesses call common report; they themselves repeatedly admitting that they have no personal knowledge of the subjects they are questioned upon, when positive evidence of misconduct, if any such had existed, might have been easily procured. The evidence is taken without the obligation of an oath, while affidavits are brought forward by me to contradict the most important parts of it; much of it is given with gross and apparent prejudice, and the whole of the testimony adduced is of such a vague and contradictory nature, as would render it totally inadmissible in any court of justice in the world.

The first charge against me is, that I have not since my appointment to the situation which I hold kept an open office, "whereby it is alleged the members of the bar, the bailiffs and the public have been much inconvenienced." To answer this charge it will be necessary to refer to the presentment of the grand jury for the general sessions of the peace held in October last (a copy of which is forwarded herewith, marked No. 6), by which presentment it will be seen that the state of the sheriff's office is such, that it is impossible for any one to sit in it during any length of time, owing to its dilapidated state; the same fact will also appear by reference to two certificates (marked also No. 6), being the one by the keeper of the court-house, the other by a gentleman who has acted as clerk to the prothonotaries of the district during seven years; and by any reference to the honourable the Judges who have at various times attended the sittings of the Court of King's Bench held at Sherbrooke. It will also be seen by a reference to a certificate of the prothonotary, and also to that of Mr. Seaton (both marked No. 6), that there did not exist that necessity for an office constantly open as in other districts, where the business is much greater, and where a strict attention to hours is required, instead of the system of mutual accommodation which has hitherto prevailed in the district of St. Francis. What has been the degree of practical inconvenience arising to the members of the bar from my not having kept such open office will be seen by the fact, that out of 11 gentlemen practising in the district, I am enabled to forward certificates from eight, that no inconvenience has resulted to them from the practice; and a stronger and a more convincing proof cannot be offered, since the advocates are on all occasions the medium through whom process is sued out, and are therefore the parties most likely to be inconvenienced by the negligence or carelessness of a sheriff in the discharge of his official duties. Again, it does not appear that any of the witnesses could cite a single case where any injury or delay had resulted to them or to their clients during the period of 12 years that I have held the office of sheriff, from the fact above mentioned, and though several of them were asked by the committee of the Assembly to recollect some case, they were unable to cite a single instance, but were obliged to confine their information to general assertions.

I trust I may be allowed to remark, my Lord, that the dissatisfaction alleged to be felt by the public at large will scarcely be considered as proved by the fact, that in spite of great exertions being made to procure signatures to the petition presented against me (a person travelling throughout the district for that especial purpose), it was signed by less than 50 persons in a district containing a population of upwards of 40,000 inhabitants; and I think I am warranted in remarking, that if reference were made to that petition, it would

Correspondence
respecting
Mr. Whiteher.

be found that few, if any, of its signers had ever transacted any official business with me, or knew anything of the manner in which I discharged my duties.

The next charge in the report is, that I was in the habit of receiving for my own use one-third part of my bailiffs' fees, and that I refused to employ them as bailiffs unless they agreed to such deduction from their fees. In answer to the former part of this charge, I beg to observe that upon being appointed to the office which I hold, I conceived that I had an undoubted right to execute process addressed to me either personally or by such deputies as I thought proper to appoint, being myself responsible to the authorities and to the public for the faithful discharge of my duties. As a matter of accommodation to the public rather than to myself, I have appointed bailiffs in different sections of the country; but as the amount of security which in most cases they are able to offer was not, and is not, sufficient to cover any loss I may sustain by their negligence or misconduct, I conceived I was acting legally in arranging with several of them for the deduction of one-third part of their fees, and in so doing I followed what I then believed to be the practice in other districts; and I think it will be found upon reference to the sheriffs of other districts, that a practice of a similar nature obtains at this time, they taking upon themselves all the responsibility and emoluments of services, and making their own private arrangements with the bailiffs or deputies who perform those services for them; nor has the practice ever been made subject matter of complaint against them. A suggestion, however, having been thrown out by the Court of King's Bench held in the district three years since, that this practice was liable to misconstruction, I not only told those bailiffs whom I employed, that I should in future discontinue the deduction, but desired them to charge me with all the sums that I had formerly deducted, and have settled with them under this arrangement. And in proof of what is now the practice (and which practice has obtained for some years past), I beg to refer to 11 affidavits marked respectively No. 8, all of which are made by bailiffs acting as such in the district of St. Francis; and those affidavits contain a complete refutation of the assertion contained in the latter part of this paragraph of the report, that "I do not employ bailiffs who will not give up to me a third part of their fees;" and with respect to the bailiff who it is alleged I struck from my list in consequence of his refusal to accede to my request for such deduction, it will be seen by reference to the affidavit of Mr. Mallory (marked No. 5), that my reason for so doing was his own gross misconduct as a bailiff; in support also of this part of the defence, I beg to refer to four certificates of bailiffs, marked No. 9.

The next charge against me is, "That I employed a young man, then under age, to serve summonses and sheriff's process by the day;" the first part of this charge (if it can be considered as a charge), is completely contradicted by the affidavit of the person referred to (forwarded herewith and marked No. 10), wherein he states that he several times stated to the gentlemen of the committee (upon questions submitted to him as to his age) that he was of age at the time of his being so employed by me. As to the right of a sheriff to summon jurors by deputy it is undoubted, and equally so is his right to employ whom he pleases for that purpose, he being responsible to the authorities and to the public for the acts of his deputy; it is sanctioned by every day practice, it has been declared legal by the judges; and, as a matter of reason, it cannot be doubted that since all the responsibility of service rests upon the sheriff, it would be an act of the grossest injustice to deprive him of the right of selecting those whom he thought most fitting for the duty, and allowing them that remuneration which both parties conceived adequate for the service; neither was the remuneration in the particular case referred to inadequate. Mr. Moe received, besides a dollar a day, his travelling expenses, which amounted to 6s. 3d. a day, and was found a horse by me; which fact, though stated by him to the committee, neither appears in the printed report nor in the evidence.

It is next mentioned as "worthy of particular notice that I called upon many of my bailiffs during the past winter, and urged them to an adjustment of their accounts, lest they should be called to Quebec as witnesses against me;" this being an assertion not borne out by evidence, but in which my motives are called in question, from a particular act, the answer to it must, of course, rest on my personal testimony; the following is an explanation of the circumstance referred to: from certain questions put to me by members of a committee of the Assembly before whom I was examined as a witness during the last session, I was led to believe that an impression existed in the committee that I was largely indebted to my bailiffs. I thought proper, upon my return to Sherbrooke, to call upon each of them for their accounts; and whenever I found a debt existed, I immediately paid it, as I should at any other time upon a general settlement of accounts. And the sums so paid by me were in pursuance of the instructions I had given my bailiffs three years since, to charge all fees in full and the difference that had formerly been deducted. I found, as I expected, the amount which I owed them trifling, and I cannot conceive that a desire to remove an erroneous impression by settling accounts with my bailiffs, will be for a moment considered as subject matter of accusation, after the explanation here given.

With respect to the evidence given by me before the "Committee on the fees of the several officers of the courts of justice in the province," and upon which great stress is laid in the report, I beg to observe that at the time of my giving my evidence I was labouring under severe indisposition, and that from the manner and conversational tone assumed by the members of the committee, I could not have been aware that portions only of my answers would be printed, and those parts only which involve apparent contradictions. Being asked whether "I received to my own use any part of my bailiffs' fees," it will be found I answered "I do not;" but previously to giving the answer stated, that "I scarcely knew how to answer this question without entering into an explanation of what had been

and

and what was the practice." I was told to give a definitive answer, and I replied with reference to the existing practice; this remark also applies to all the questions of a similar nature in the printed copy of the evidence; it will also appear by an addition which, at my own desire, was made to my answer to the 25th question put to me, and to prove in a still stronger manner, what is the practice and the correctness of the answer given by me, I again refer to the affidavits marked No. 8, and to the statements made by me in another part of this defence; the explanation afforded by this addition to my answer referred to, and by the present statement, could have been given at the time of putting the question, had I been allowed to enter into such explanation, instead of being called upon to answer by a simple affirmative or negative.

From this statement, my Lord, a statement substantiated in all its most important points by clear and conclusive evidence contained in a number of certificates and statements under oath, I cannot but think that the particular charges set forth in the report are completely refuted; and as it is necessary, from the conclusion of that report, to refer to my general character and conduct as sheriff, I would respectfully call your Lordship's attention to the certificates furnished me by the members of the bar, by the chairmen of sessions and magistrates (marked No. 11), and to the general certificates of some of the oldest and most respectable inhabitants of the district; these certificates are marked No. 12, and will, upon examination, be found to contain the names of large proprietors, and persons, the nature of whose pursuits and whose wealth bring them into business with me, and many of them will be found to be persons acting as magistrates in the district; and above all, I beg to call your Lordship's attention to the fact that there has not been a single case cited by the witnesses before the Assembly, neither can a single instance be shown, in which injury has resulted to suitors in the court from negligence of the duties of my office during a period of 12 years. I have shown that the character of the evidence given before the committee of the Assembly was such as would have rendered it totally inadmissible in any court of justice. Interested and prejudiced persons were allowed to give testimony; individuals were called to give evidence as to common report (more particularly as to my mode of summoning jurors), when the jury lists of record might have been referred to, and would have been found to contain an ample refutation of the charge of partiality in selection. The dissatisfaction of the public is alleged upon false and frivolous grounds, and the assertions contained in the report are by no means borne out by the evidence taken before the committee, even if counter evidence had not been adduced.

Under all these circumstances, my Lord, I trust that the defence which I offer will be considered satisfactory. I desire nothing more than a fair and impartial examination of the various documents which I have been enabled to forward to your Lordship, and that they may be compared with the evidence given before the Assembly, to establish my complete innocence of the charges made against me. And I beg respectfully to assure your Lordship, that so long as I have the honour of holding my present office, I shall endeavour to discharge its duties as I have hitherto done, in the manner that I conceive to be the most calculated to advance the public interests, and to justify the confidence placed in me by His Majesty's Government.

Sherbrooke, 13 August 1836

I have, &c.
(signed) *Charles Whitcher.*

(Enclosure 1 to Mr. *Whitcher's* Defence.)

(1.)—AFFIDAVIT of *H. N. Hill*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Horatio Nelson Hill, being duly sworn upon the Holy Evangelists, deposeth and saith, that some time about the month of January last Mr. George Kimball, the advocate at Sherbrooke, came to my residence in Eaton, and inquired if I had done any business for the sheriff. I answered, that I had done none of any consequence, or but little, or to that effect. Mr. Kimball then inquired what business I had done; I told him I had served two or three subpoenas; he then asked if the sheriff had paid me; I told him no, as I made no return; he observed, that I ought to enter a complaint; I told him, in answer, that I had nothing in particular to complain of the sheriff. The said Kimball then spoke of there being a complaint against the sheriff; but I do not recollect exactly the conversation, further than he asked me, this deponent, if he might put my name on the list of witnesses to be called against the sheriff; I told him, no; that I had nothing to complain of, the sheriff having always treated me well; and further this deponent saith not.

(signed) *Horatio N. Hill*, Bailiff.

Sworn before me, at Ascot, this 26th day of May, 1836.

(signed) *Tyler Spafford, jun. J.P.*

Correspondence
respecting
Mr. Whitcher.

(2.)—AFFIDAVIT of *S. Mallory*, Bailiff.

Province of Lower Canada, District of St. Francis.

SAMUEL MALLORY, of the township of Ascott, in the district of St. Francis, one of the sworn bailiffs of the different courts in the said district, being duly sworn upon the Holy Evangelists of Almighty God, deposeth and saith, that he has never, at any time, refused to execute any process that came into his hands, on account of any disagreement with the sheriff of the district on the subject of fees; nor has he ever stated to any person that the sheriff refused to employ him unless he gave up a third part of his fees to the said sheriff; nor has he ever requested any person to make a representation to the Court of King's Bench upon this subject. And this deponent further saith, that when the said sheriff called on this deponent during the past winter, to make a settlement of their accounts, he stated to this deponent, that his object in so coming to settle with him was, that it having been stated in Quebec that he was largely indebted to his bailiffs, and believing the contrary to be the case, he was anxious to ascertain precisely how he stood with this deponent as well as others. And this deponent further saith, that the sheriff of the district has not, at any period within the last three years, exacted or required any part of his fees. And further, this deponent saith not, and hath signed.

(signed) *Samuel Mallory.*

Sworn before me this 17th day of June 1836.

(signed) *J. Fletcher, Pr. J.*

(3.)—AFFIDAVIT of *P. Read*, Gaoler.

Province of Lower Canada, District of St. Francis.

PATRICK READ, of the township of Orford, in the district of St. Francis, being duly sworn upon the Holy Evangelists, deposeth and saith, that some time during the past winter, and previously to the leaving of George Kimball, Esq., also of the township of Orford, advocate, to appear (as this deponent believes) as a witness before the House of Assembly, he, this deponent, being the gaoler of the district gaol, was accosted on the road by the said George Kimball, who told him, that "he had been desired by a friend to ask him two or three questions," or words to that effect. He then proceeded to inquire of this deponent, whether the prisoners in the gaol had provisions enough, to which this deponent replied, "No;" and his meaning, in so replying, was, that he did not think the allowance made by law was sufficient; that upon the said George Kimball asking him, "How this happened?" he replied, "They have what the law allows them, and what the doctor orders, when any of them are sick." The said George Kimball then asked him several other questions respecting the management of the gaol, the food for the prisoners, and finally, to the best of this deponent's recollection, asked him, "If he had any complaint to make," or words to that effect; to which this deponent answered, "No;" and the impression on this deponent's mind was and is, that the said questions were put with a view of procuring some information against the sheriff and his government of the gaol; and further this deponent saith not, and hath signed.

(signed) *Patrick Read.*

Sworn before me this 1st day of June 1836.

(signed) *M. Nichols, J.P.*

(Enclosure 2 to Mr. *Whitcher's* Defence.)

Prothonotary's Certificate.

Province of Lower Canada, District of St. Francis.

No. 34.—In the King's Bench.

Isaac Robinson Gavin, Curator, Plaintiff, *v.* Charles Bridgman Felton, Defendant.

26th February 1834.

RECEIVED from Charles Whitcher, sheriff, during the sitting of the court, five pounds, the balance returned as above by the sheriff.

(signed) *Isaac R. Gavin.*

A true copy of the receipt upon the writ of execution filed in the above case.

(signed) *William Bell, P.K.B.*

Sherbrooke, 2d June 1836.

(Enclosure 4 to Mr. *Whitcher's* Defence.)Correspondence
respecting
Mr. *Whitcher*.(1.)—CERTIFICATE of *Portus Baxter*.

I, THE undersigned, certify that I was personally present at the sale of lands which took place at Sherbrooke, at the sheriff's office, on the _____ day of the month of 1835, in the cause *Peck v. Haskell and Baxter v. Haskell*, and that I became the purchaser of said lands, which are situated in the township of Stanstead, and were seized by the sheriff in that cause. That the sheriff could not possibly have conducted the sale with more impartiality than he then did, having at the request of the parties concerned, waited a long time after the sale had commenced, to afford them, the said parties, an opportunity of settling, if practicable, without proceeding to the adjudication of the property; and that the sheriff did, in my opinion, act most conscientiously, fairly and honourably towards all the parties on that occasion.

Sherbrooke, April 27, 1836.

(signed) *Portus Baxter*.(2.)—CERTIFICATE of *C. F. H. Goodhue*.

Province of Lower Canada, District of St. Francis.

THE undersigned has been a resident in the district of St. Francis from the period of the establishment of that district, and has been in the habit of attending the sittings of the different courts of justice held at Sherbrooke during that period; he is enabled to state that it has always appeared to him that the duties of the sheriff of the district of St. Francis were ably and satisfactorily discharged by Mr. *Whitcher*; that his attendance upon the courts is punctual, and that his conduct as a public officer has been in all respects correct, as far as the undersigned has any personal knowledge.

The undersigned also remembers attending the sale by the sheriff of the widow *Haskell's* property, and upon that occasion heard *Levi Spalding*, whom he understood to be the agent of *Mrs. Haskell*, state that he had not sufficient money to cover the amount of his bid. He also heard *Mrs. Haskell* (who was present and made the last bid), state that she had no money, and having been present at the final adjudication of the property, he is enabled to state that the proceedings throughout were fair and impartial, and that every disposition was shown by the sheriff to do justice to all parties, and to discharge faithfully the duty which devolved upon him in making the said sale.

Sherbrooke, May 27, 1836.

(signed) *C. F. H. Goodhue*.(Enclosure 5 to Mr. *Whitcher's* Defence.)AFFIDAVIT of *Samuel Mallory*, Bailiff.

Province of Lower Canada, District of St. Francis.

SAMUEL MALLORY, of the township of Ascot, in the district of St. Francis, bailiff, being duly sworn, deposeth and saith, that some time in the winter of 1832, he, this deponent, received a warrant from *Charles Whitcher*, esquire, sheriff of the district, to execute a *capias ad respondendum*, which issued out of His Majesty's Court of King's Bench for this district, at the suit of one *John Cochran* against one *Richard Jenness*. That shortly before the receipt by this deponent of the said warrant, he, this deponent, had a conversation with one *John Chamberlin*, of the township of Stanstead, bailiff, in which the said *John Chamberlin* endeavoured to dissuade this deponent from undertaking the execution of the said *capias*, saying that he, the said *John Chamberlin*, would not execute the said *capias*, that the said *Richard Jenness* was an ugly fellow and would give some trouble; that if he, this deponent, should decline to execute the said *capias*, the sheriff would be under the necessity of doing it himself, and that should he, this deponent, consent to execute the said writ, he, the said *John Chamberlin*, and this deponent, should not be on the same friendly terms as they had been. That on the day succeeding the receipt of the said warrant, he, this deponent, in virtue thereof, arrested the said *Richard Jenness*, whereupon the said *Richard Jenness* complaining of being unwell, requested this deponent not to remove him, this said *Richard Jenness*, from the place where he was so arrested, and in order to induce this deponent to comply with his request, exhibited a letter to this deponent, which he said he had received the night before of a man hired to convey it to him, and which he said contained information of the steps taken to arrest him, as an assurance to him, this deponent, that he, the said *Richard Jenness*, had no desire to abscond from this province. That he, this deponent, did not peruse the said letter, and did not then inquire who was the author of it, but that he, this deponent, was afterwards given to understand by the said *Richard Jenness*, that the said *John Chamberlin* was the writer of the said letter, and was subsequently positively informed, by the said *Richard Jenness*, that the said *John Chamberlin* was the author of the said letter; and this deponent further saith not, and hath signed.

(signed) *Samuel Mallory*.

Sworn before me, at Sherbrooke, this 15th day of January 1834.

(signed) *David Moe, J. P.*

Correspondence
respecting
Mr. Whitcher.

(Enclosure 6 to Mr. Whitcher's Defence.)

(1).—EXTRACT from a PRESENTMENT of the GRAND JURY of the District of *St. Francis*, in October 1835.

THAT the building, used as a court-house for the district, is absolutely and totally insufficient for the purpose, being insecure, very much out of repair, and, in fact, incapable of being put in such repair as shall render it a safe and fitting depository for the public records of the district. In addition to these evils it contains but one retiring room for both grand and petty jurors, and that room so situated, that the public at large can hear all that passes within it; there is no fitting chamber for the judges or magistrates, and none for the advocates; but they would more particularly point out the state of dilapidation in which they found the rooms used as offices by the prothonotary and sheriff, and allege the total impossibility of the public records being safe within them.

(2).—CERTIFICATE of *Carey M. C. Hyndman*.

Province of Lower Canada, District of *St. Francis*.

Sherbrooke, 25 May 1836.

At the request of Charles Whitcher, esq. sheriff of the aforesaid district, I, the undersigned, keeper of the court-house, and crier of His Majesty's courts of judicature of and for the said district, do hereby certify, that I have been the keeper of the court-house at Sherbrooke, in the then inferior and now district of *St. Francis*, since 1823; that during that time I have been personally acquainted with Charles Whitcher, esq. sheriff of said district; that I have never known the said Charles Whitcher, esq. to be absent from his duty as sheriff, without a regular deputy-sheriff for the time being in his place, so as to give the gentlemen of the bar, or the public generally, any reasonable grounds of complaint against him for neglect of duty, or keeping his office open and accessible during office hours, in term time or otherwise; and I further certify, that the want of funds, or from some other cause, the said court-house is now, and has been for several years, in a very dilapidated state, so much so, that if the business of the district required constant attendance in the sheriff's office, that the sheriff's life would be greatly in danger, as in rainy wet weather the floor of the sheriff's office, and the passage thereto, is constantly wet with down rain, and the stagnant water which lies under the building causes the floors of the offices to be constantly damp, particularly the sheriff's office. And I further certify, that I have every reason to believe that the evidence given before the honourable the House of Assembly, by one of the members of the Sherbrooke bar, has been greatly exaggerated, so far as regards the said sheriff's attendance at his office.

(signed) *Carey M. C. Hyndman*,
Keeper of the Court-House, District of *St. Francis*.

(3).—CERTIFICATE of *William Seaton*.

THE undersigned has been a clerk employed by the late prothonotary of the district of *St. Francis* (Charles B. Felton, esq.), as well as by the present prothonotary, for the last eight years, during which period he has been absent 12 months. He is enabled to state, that during vacations the sheriff has seldom omitted a day (after going to his own office), to come and inquire at the office of the prothonotary whether fiats have been left for writs, or whether any writs had issued.

That it frequently happens that no writ requiring the service of the sheriff issues from the prothonotary's office during a week, and sometimes even for a month.

That the court-house for the district of *St. Francis* is in a most dilapidated state, and the office assigned to the sheriff more particularly so; from the rain which comes into the office, by the passage and through the roof, it is rendered very damp and unhealthy, and is not sufficiently large to admit of a stove with safety.

That it is a fact, within the knowledge of the undersigned, that the attendance of the sheriff during the sittings of the provincial court, the Courts of King's Bench and Quarter Sessions, is regular and unremitting.

Sherbrooke, 23 May 1836.

(signed) *William Seaton*.

(4).—CERTIFICATE of *William Bell*.

Province of Lower Canada, District of *St. Francis*.

I HEREBY certify, that upon the application of Charles Whitcher, esq. sheriff of the district of *St. Francis*, I have referred to the issue books, and find intervals of a month and upwards, during which no writs have issued out of my office requiring the services of the sheriff.

Prothonotary's Office, 11 July 1836.

(signed) *William Bell*, P.B.R.

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(Enclosure 7 to Mr. *Whitcher's* Defence.)Correspondence
respecting
Mr. *Whitcher*.(1.)—CERTIFICATE of *G. F. Bowen*, Esq., Advocate.

Province of Lower Canada, District of St. Francis.

Sherbrooke, 28 June 1836.

THE undersigned, a practising advocate and attorney in the district of St. Francis, hereby certifies that he himself has not suffered, nor have his clients, to his knowledge, heretofore suffered any inconvenience in consequence of the sheriff of this district not keeping his office open at the court-house during stated hours, the little business of the office not requiring it; that the room appropriated for the purpose is altogether inadequate, not being even wind and weather tight.

(signed) *G. F. Bowen*, Advocate.(2.)—CERTIFICATE of *F. J. M. Collard*, Esq., Barrister.

THE undersigned, a practising barrister, resident at Sherbrooke, in the district of St. Francis, hereby certifies that he has never sustained any inconvenience in consequence of the sheriff of the district not keeping an open office, as the arrangements of the sheriff have been such as to preclude the necessity for his so doing: neither does the undersigned believe that the public can have sustained any inconvenience, as, in the issuing of all process, the ministry of an attorney is required. The undersigned has always found the sheriff careful and indefatigable in the discharge of his official duties, and has always found an anxious desire on his part to accommodate the members of the bar, and afford them every facility in the transaction of business with them.

(signed) *Frederick J. M. Collard*.

Sherbrooke, June 28, 1836.

(3.)—LETTER from *C. P. Elkins*, Esq., Advocate.

Sir,

June 15, 1836.

YOU having been most unjustly and untruly charged by one of the members of the bar practising in this district, as being guilty of a dereliction of your duties as sheriff of this district, I, for one, consider it due to you, as regards your official character, to state that during the 10 years and upwards that I have practised here (and in that period conducted much professional business), you have at all times and at all hours, and frequently in the middle of the night, and when labouring under severe indisposition, been ever ready to transmit any business appertaining to your office as sheriff; and that neither of my clients or myself, have ever sustained any inconvenience for want of the duties of the sheriff being performed; and I must further add, that I do not believe there is any person in the district who can with truth say the contrary.

I am, &c.

Charles *Whitcher*, Esq.
Sheriff, St. Francis.(signed) *C. P. Elkins*,
Attorney and Advocate,
Sherbrooke Bar, St. Francis.(4.)—CERTIFICATE of *J. Hallowell*, Esq., Barrister.

THE undersigned has been a practising barrister in the district of St. Francis since the erection of the district, and he believes that during that period the public have sustained no inconvenience whatever in consequence of the sheriff of the district not having kept an open office at the court-house during stated hours, and that in all business which the undersigned has transacted with the sheriff, he has found him faithful and active in the discharge of his duties.

(signed) *James Hallowell*.

Sherbrooke, 28th day of June 1836.

(5.)—CERTIFICATE of *J. Peoples*, Esq., Attorney.

Province of Lower Canada, District of St. Francis.

I, THE undersigned, do hereby certify, that during my practice at the Sherbrooke bar, in the district of St. Francis, no material inconvenience has been suffered by me, and that no damage has been sustained by my clients from the alleged inattention of Charles *Whitcher*, esq. to his office as sheriff of this district; for although his attendance in his office was not very regular, he was generally to be found on the square opposite to Mr. King's tavern, or near thereto.

(signed) *James Peoples*, Attorney.

Sherbrooke, 15th day of June 1836.

Correspondence
respecting
Mr. Whitcher.

(6.)—CERTIFICATE of *John Short*, Esq., Advocate.

Sherbrooke, 7 July 1836.

I, THE undersigned, an advocate practising at the bar at Sherbrooke, in the district of St. Francis, do hereby certify that I have not suffered during my practice any inconvenience, nor have my clients sustained any injury, owing to the circumstance of the sheriff of the district not at all times keeping an open office; on the contrary, the sheriff has been in the habit of calling frequently at my office to inquire whether I had any process, or expected to have any that would require his services.

(signed) *John Short*.

(7.)—CERTIFICATE of *H. B. Terrill*, Esq., Advocate.

I, HAZARD BAILEY TERRILL, of the village of Sherbrooke, advocate and attorney-at-law, and practising as such at Sherbrooke, do cheerfully certify that, as an attorney, I have never met with any inconvenience in my practice, nor to my knowledge have my clients, from the reason that Charles Whitcher, esq., the sheriff of the district of St. Francis, has not at all times kept an open office during office hours.

(signed) *H. Bailey Terrill*.

Sherbrooke, 24 June 1836.

(8.)—CERTIFICATE of *C. de Tonnancour*, Esq., Advocate.

I, THE undersigned, an advocate, many years practising as such at the bar at Sherbrooke, in the district of St. Francis, do hereby certify that I have not sustained any personal inconvenience from the sheriff of the district not having at all times kept an open office, there having been but little business requiring the services of the sheriff, particularly previous to the Court of King's Bench being established in the district.

(signed) *C. de Tonnancour*.

Sherbrooke, 1 July 1836.

(Enclosure 8 to Mr. Whitcher's Defence.)

(1.)—AFFIDAVIT of *John A. Brooks*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, John Adams Brooks, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs for said district, being duly sworn upon the Holy Evangelists, deposeth and saith, that he has never paid to the sheriff, or to any person on his behalf, any part of his fees, or did the sheriff of the said district ever demand or require this deponent so to do.

(signed) *John A. Brooks*.

Sworn before me, at Sherbrooke, this 6th day of June 1836.

(signed) *M. Nichols, J. P.*

(2.)—AFFIDAVIT of *Stephen Barnard*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Stephen Barnard, one of the bailiffs of the Court at Sherbrooke, in the district of St. Francis, and also one of the sheriff's bailiffs, deposeth and saith, that the sheriff never kept to his own use any part of his, this deponent's, fees, nor does he expect to pay him any part of his fees.

(signed) *Stephen Barnard*.

Sworn before me, at Melbourne, this 9th day of May 1836.

(signed) *D. Thomas, J. P.*

(3.)—AFFIDAVIT of *T. C. Butler*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, THOMAS COSS BUTLER, of the township of Stanstead, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also the sheriff's bailiff for the district, maketh oath and saith, that Charles Whitcher, esquire, the sheriff of the said district of St. Francis, never retained any part of his, the deponent's, fees, nor did he, the deponent, ever agree to pay any part thereof to the said sheriff, nor has the said sheriff ever required the deponent so to do.

(signed) *T. C. Butler*.

Sworn before me at Stanstead, this 18th day of February 1836.

C. Bullock, J. P.

(4.)—AFFIDAVIT of *John Johnson*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, JOHN JOHNSON, of the township of Hatley, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs for the said district, maketh oath and saith, that Charles Witcher, esq., the sheriff of the said district of St. Francis, never retained any part of his, the deponent's, fees; nor did he, the deponent, ever agree to pay any part thereof to the said sheriff; nor has he, the said sheriff, ever requested the deponent so to do.

(signed) *John Johnson.*

Sworn before me, at Sherbrooke, this 9th day of March 1836.

(signed) *David Moe, J. P.*Correspondence
respecting
Mr. Witcher.(5.)—AFFIDAVIT of *Joseph Smith Parsons*, Bailiff.

Province of Lower Canada, Inferior District of St. Francis.

I, JOSEPH SMITH PARSONS, of the township of Compton, did serve as a bailiff in said district several years, and never paid any part of my fees to the sheriff of said district.

(signed) *Joseph Smith Parsons.*Sworn this 2d day of April, A.D. 1836, before *M. Nichols, J. P.*(6.)—AFFIDAVIT of *J. F. Diessen*, Bailiff.

Province of Lower Canada, District of St. Francis.

JOSEPH FOSTER DIESSEN, one of the bailiffs of the Court of King's Bench for the said district, and one of the sheriff's bailiffs, deposeth and saith, that Charles Witcher, the sheriff of said district, never has demanded, nor kept any part of the said John Foster Diessen's fees in any case whatever, but has always settled honourably, and when required so to do by the said deponent.

(signed) *J. F. Diessen, Bailiff.*

Sworn before me, at Sherbrooke, this 8th day of April 1836.

(signed) *Sherbart Pierce, J. P.*(7.)—AFFIDAVIT of *John Ball*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, John Ball, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs, deposeth and saith, that he has never paid to Charles Witcher, esq., the sheriff, any part of his fees, or did the said sheriff ever ask or require it of him.

(signed) *John Ball.*

Sworn before me, at Ascot, this 12th day of May 1836.

(signed) *M. Nichols, J. P.*(8.)—AFFIDAVIT of *Increase Bullock*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Increase Bullock, one of the bailiffs for the Provincial Court of said district, and also one of the sheriff's bailiffs for the said district, maketh oath and saith, that Charles Witcher, esq., the sheriff of the said district, never kept back any part of my fees, nor did he ever require me to make any agreement so to do.

(signed) *Increase Bullock.*

Sworn before me, at Georgeville, this 7th day of May 1836.

(signed) *C. Bullock, J. P.*(9.)—AFFIDAVIT of *Andrew Palton*, Bailiff.

Province of Lower Canada, District of St. Francis.

THIS deponent, Andrew Palton, formerly one of the bailiffs of the Provincial Court for the district of St. Francis, and also one of the sheriff's bailiffs for the said district, maketh oath and saith, that Charles Witcher, the said sheriff, never deducted any part of his fees, nor did he require this deponent to pay him any part thereof.

(signed) *Andrew Palton.*

Sworn before me, at Stanstead, this 7th day of May 1836.

(signed) *James C. Peasley, J. P.*

PAPERS RELATING TO CANADA.

Correspondence
respecting
Mr. Whitcher.

(10.)—AFFIDAVIT of *John Swelt*, Bailiff.

Province of Lower Canada, District of St. Francis.

JOHN SWELT, of the township of Stanstead, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also the sheriff's bailiff for the said district, maketh oath and saith, that Charles Whitcher, esq., the sheriff of the said district of St. Francis, has never retained any part of his, this deponent's, fees; nor did he, this deponent, ever agree to pay any part thereof to the said sheriff; nor has the said sheriff ever required this deponent so to do.

(signed) *John Swelt*, Bailiff.

Sworn before me, at Stanstead, this 27th day February 1806.

(signed) *C. Bullock*, J. P.

(11.)—AFFIDAVIT of *Levi Nicholls*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, LEVI NICHOLLS, do testify and say, that I paid no part of my fees as bailiff to C. Whitcher, esq., neither was it required of me by him the said Whitcher.

(signed) *L. Nicholls*.

Sworn to this 17th day of February 1836, before *M. Nichols*, J. P.

(Enclosure 9 to Mr. Whitcher's Defence.)

(1.)—CERTIFICATE of *S. Barnard*.

I HEREBY certify, that I have never experienced any delay or inconvenience in obtaining papers from the sheriff's office at Sherbrooke, and that the sheriff was and is in the habit of sending his warrant for the execution of process to my residence, in Melbourne.

Melbourne, 9 May 1836.

(signed) *Stephen Barnard*.

(2.)—CERTIFICATE of *T. C. Butler*, Bailiff.

I, T. C. BUTLER, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs, do hereby certify, that I have never experienced any delay or inconvenience in getting out papers from the sheriff's office; but, on the contrary, he has made out and delivered different processes with the greatest dispatch from time to time during the day, and frequently at a late hour at night, at his dwelling-house; and I have no fault to find whatever of the said sheriff.

Stanstead, 6 May 1836.

(signed) *T. C. Butler*.

(3.)—CERTIFICATE of *John Johnson*, Bailiff.

I, JOHN JOHNSON, one of the sworn bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs, do hereby certify, that I have never experienced any inconvenience in getting out papers from the sheriff's office by any delay of the sheriff; but, on the contrary, he has made out and delivered different papers with the greatest expedition during office hours, and frequently at a late hour of the night; and I have no complaint to make against the said sheriff.

Hatley, 11 May 1836.

(signed) *John Johnson*, Bailiff.

(4.)—CERTIFICATE of *John Swelt*, Bailiff.

Province of Lower Canada, District of St. Francis.

I, JOHN SWELT, one of the bailiffs of His Majesty's Court of King's Bench for the district of St. Francis, and also one of the sheriff's bailiffs for the said district, do hereby certify that I have never had the least trouble or delay in obtaining papers or process from the said sheriff's office; but, on the contrary, have always found the sheriff most ready to act, at all hours during the day time, or at night, when applied to at his own house.

6 May 1836.

(signed) *John Swelt*, Bailiff.

(Enclosure 10 to Mr. Whitcher's Defence.)

AFFIDAVIT of *Hiram Moe*, Bailiff.

Province of Lower Canada, District of St. Francis.

HIRAM MOE, of the township of Ascot, in the district of St. Francis, bailiff, being duly sworn upon the Holy Evangelists, deposeth and saith, that he was, during the last session of the Provincial Parliament, examined as a witness before a committee of the House of Assembly, as to the fact of his having summoned jurors for the sheriff of the district of St. Francis,

Francis, and that in answer to questions put to him by the committee, he several times stated, that at the time of his so summoning jurors for the said sheriff, he was of age, and that such statement does not appear in the printed copy of his evidence which has been shown to him; and further this deponent saith not, and hath signed.

(signed) *Hiram Moe.*

Sworn before me, at Sherbrooke, this 11th day of July 1836.

(signed) *J. Fletcher, R. J.*

Correspondence
respecting
Mr. Whitcher.

(Enclosure 11 to Mr. *Whitcher's* Defence.)

(1.)—CERTIFICATE of *J. Jones, Esq., J. P.*

I HEREBY certify, that I have many times attended the general sessions of the peace at Sherbrooke, as a magistrate of the district of St. Francis, and that the sheriff of the said district was constant in his attendance during the sittings of the sessions, and paid every possible attention to the bench during the continuance of the court.

Hatley, 6 May 1836.

(signed) *J. Jones, J. P.*

(2.)—CERTIFICATE of *David Moe, Esq., J. P.*

I HEREBY certify, that I have attended the court of general sessions of the peace, at Sherbrooke, as one of the magistrates for the district of St. Francis, and always found Mr. Whitcher, the sheriff, present during the sitting of the court; and that, owing to there not being any funds at the disposal of the court by which they could pay and ensure the attendance of constables, as in other districts, the court has been frequently under the necessity of committing prisoners to the personal charge of the sheriff; that he has readily executed any order addressed to him under the above circumstances, and otherwise paid every possible attention to the court.

Sherbrooke, 11 May 1836.

(signed) *David Moe, J. P.*

(3.)—CERTIFICATE of *David Moe, Esq., J. P.*

I HEREBY certify, that several years ago I frequently attended the court of general sessions of the peace, at Sherbrooke, and sometimes as a grand juror, and also several times as foreman of the grand jury, when I have heard jurors, who resided in the immediate vicinity of the court, speak of their being called more frequently to attend juries than others living at a greater distance; but that I have not heard any complaint against the sheriff by persons who happened to be brought from more remote parts of the district to serve as jurors.

Sherbrooke, 12 May 1836.

(signed) *David Moe, J. P.*

(4.)—CERTIFICATE of *M. Nichols, Esq., J. P.*

I HEREBY certify, that I have attended the court of general sessions of the peace at Sherbrooke, from time to time for many years since the erection of the district, as one of the magistrates for the district of St. Francis; that I always observed Mr. Whitcher, the sheriff, present during the sitting of the court, and readily executing the orders addressed to him by the court; and that the execution thereof, in many instances, was very disagreeable, as the want of funds, or a regular police, providing for the attendance of constables, frequently imposed upon the court the necessity of committing prisoners to the personal charge of the sheriff. I also certify, that in consequence of there not being a permanent chairman to preside at the sessions, no tariff of fees was ever prepared for the services he performed at such sessions.

Sherbrooke, 11 May 1836.

(signed) *M. Nichols, J. P.*

(5.)—CERTIFICATE of *M. Nichols, Esq., J. P.*

I HEREBY certify, that I have frequently presided at the court of general sessions of the peace at Sherbrooke, as chairman of the session, and at other times as a junior magistrate of the quorum, during the last ten years, and have no knowledge of any juror having complained to the court as to the manner of his having been called or summoned to attend there, or of any complaint relative to the conduct of the sheriff towards jurors.

Sherbrooke, 11 May 1836.

(signed) *M. Nichols, J. P.*

(6.)—CERTIFICATE of *M. Nichols, Esq., Medical Attendant of the Gaol.*

I do hereby certify, that I have been in the habit for many years of visiting the prisoners confined in the gaol at Sherbrooke, as well as in a magisterial capacity as the medical attendant of the gaol; that in consequence of my having been in daily attendance, at times,

Correspondence
respecting
Mr. Whitcher.

upon the sick, no person could have had a better opportunity of observing the conduct of the sheriff towards the prisoners, which has been uniformly humane; that he has invariably caused everything which I have found it necessary to order for the sick, or any arrangement which the state of their health required, to be immediately attended to; and I have a personal knowledge of his having, in times of scarcity, when bread or flour could not be purchased, bought biscuit and crackers, and frequently sent bread from his own table (when it could not be for some time replaced), for the prisoner's use.

Sherbrooke, 11 May 1836.

(signed) *M. Nichols.*

(7.)—CERTIFICATE of *J. C. Peasley, Esq., J. P.*

I HEREBY certify, that whenever I have sat upon the bench, at the court of general sessions of the peace at Sherbrooke, in the district of St. Francis, as one of the magistrates of the said district, I have always found the sheriff in attendance, and paying every attention that could be desired during the sitting of the said court.

Stanstead, 6 May 1836.

(signed) *James C. Peasley, J. P.*

(8.)—CERTIFICATE of *Selah Pomroy, Esq., J. P.*

I DO hereby certify, that I have frequently attended the court of general sessions of the peace at Sherbrooke, in the district of St. Francis, as one of the magistrates for the said district, and always found the sheriff in attendance, and ready to execute the orders addressed to him by the court, and paying every possible attention to the magistrates during the continuance of the said sessions.

Stanstead, 6 May 1836.

(signed) *Selah Pomroy, J. P.*

(9.)—CERTIFICATE of *Alexander Rea, Esq., J. P.*

Province of Lower Canada, District of St. Francis.

THE undersigned, one of His Majesty's justices of the peace for the district of St. Francis, has been in the habit of attending the sittings of the several sessions of the peace held at Sherbrooke since he has been in the commission, and he has always found the sheriff of the district in attendance upon the court at such sessions, and the duties of his office ably and actively discharged.

The undersigned resides in a remote part of the district, and has never heard any complaints of the manner in which jurors have been summoned from that part of the country, or of his conduct as such generally.

11 June 1836.

(signed) *Alexander Rea, J. P.*

(10.)—CERTIFICATE of *Tyler Spafford, jun., Esq., J. P.*

THIS certifies, that Charles Whitcher, esq., sheriff of the district of St. Francis, has, to my knowledge, attended in the court of sessions held at Sherbrooke, in said district, and done his duty as high sheriff.

Lennoxville, 21 May 1836.

(signed) *Tyler Spafford, jun., J. P.*

(11.)—CERTIFICATE of *Robert Vincent, Esq., J. P.*

I HEREBY certify, that I have frequently attended the court of general sessions of the peace, at Sherbrooke, as one of the magistrates for the district of St. Francis, and have always found the sheriff constant in his attendance during the court of sessions, and most attentive in executing all orders addressed to him by the said court, and disposed to show every possible respect and attention to the magistrates composing the court.

Hatley, 7 May 1836.

(signed) *Robert Vincent, J. P.*

(Enclosure 12 to Mr. Whitcher's Defence.)

THE undersigned residents in the district of St. Francis hereby certify, that they are perfectly satisfied with the sheriff of the district, and with the manner in which the duties of his office are discharged.

[Followed by 211 signatures.]

Enclosure No. 6 in Duplicate Despatch from the Earl of Gosford,
dated 9th September 1836.

Correspondence
respecting
Mr. Whitcher.

Sir,

Court House, Sherbrooke, 30th August 1836.

THE inconvenience which has been long felt from the utter insufficiency of the old wooden building which has been heretofore used as the place for holding the courts of judicature in this district, and which is little better than a common shed; the total insecurity of the records of the court from the probable exposure to the elements, as well as to the attempts of persons who may be disposed, from interested motives, to abstract and secrete the same; the absolute want of accommodation and necessary shelter, as well for the court and its officers and suitors, as for the keeper and his family, induced the judges more than once to represent to the executive government the necessity of supplying these defects. They then suggested the propriety of having the brick building erected at Sherbrooke as the common gaol, and for which purpose it is manifestly insufficient, converted into a court-house and offices. The causes which led to these representations have necessarily acquired additional strength from the lapse of time, which has rendered this building more and more insecure and dangerous. Such is now its threatening condition, that during the prevalence of a storm last winter, the keeper and his family were obliged to abandon the building, under the apprehension that it could not resist the storm, which event must necessarily have resulted in the certain loss of many valuable records.

In this view of the case, the judges deem it their duty to bring the subject under the consideration of his Excellency the Governor-in-chief, and to express their confident hope, that effectual measures will be taken to relieve the district from an evil affecting not only the dignity of the administration of justice, but also the most valuable interests of His Majesty's subjects therein.

We have the honour to be, &c.,

(signed) *Edward Bowen,
J. Fletcher,
Vallières de St. Real.*

Enclosure No. 7 in Duplicate Despatch from the Earl of Gosford,
dated 9th September 1836.

Sir,

Castle of St. Lewis, Quebec, 8th September 1836.

WITH reference to the complaints preferred against you by the House of Assembly in its last session, and your defence thereto, which has recently been received, I am commanded by the Governor-in-chief to acquaint you that, upon a full consideration of the subject, he has determined to reserve the questions arising in your case for the final decision of His Majesty; and I am directed to add, that with this view it is his Excellency's intention to transmit, without delay, the whole of the proceedings to His Majesty's Principal Secretary of State for the Colonies.

Charles Whitcher, Esq.,
&c. &c. &c.

I have, &c.
(signed) *S. Walcott,*
Civil Secretary.

— No. 2. —

COPY of DESPATCH from Lord Glenelg to the Earl of Gosford.

My Lord,

Downing-street, 1 December 1836.

I HAVE to acknowledge the receipt of your despatch of the 9th September, transmitting for the consideration of His Majesty's Government an address presented to you by the House of Assembly of Lower Canada, praying for the removal of Mr. Whitcher from the office of sheriff of the district of St. Francis, and from all other offices under the Crown. Your despatch is also accompanied by the report of a committee of the Assembly on which this address was founded; together with copies of Mr. Whitcher's answer to the charges brought against him, and of various other documents connected with the case.

The inquiry instituted by the Assembly into the proceedings of Mr. Whitcher, took its rise from a petition addressed to them by 100 inhabitants of the district of St. Francis, accusing him of misconduct in the discharge of his official duties. The specific allegations against him were,

1. That for the purpose of increasing his fees, he had been in the habit of summoning

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moning jurors from the more remote parts of the district, in preference to those who resided near the court :

2. That he had extorted from his bailiffs, and appropriated to his own use, a portion of the fees allotted by law to them :

3. That he had been guilty of injustice and partiality in the discharge of his duties, more especially in the case of *Peck v. Haskell* : and,

4. That he had not paid due attention to the prisoners in the gaol.

On all these points the committee to whom the petition was referred examined witnesses. From the silence, however, of their report, they would appear to have considered the 1st, 3d and 4th charges as unfounded. The 2d charge they adopted, and added to it various other accusations, which it is the object of my present despatch to consider. But before entering on that duty, I cannot but advert to the difficulty in which the Executive Government is placed by the course which the Assembly have pursued in this case.

The evidence taken against Mr. Whitcher appears to have been altogether of an *ex parte* character : he was not present during any part of the proceedings against him ; he had no opportunity of cross-examining the witnesses, or of adducing any evidence in his defence ; it is not even asserted that he had any knowledge that his conduct was at that time the subject of investigation, while a considerable portion of the charge against him has been founded on testimony given by himself on a previous occasion, and with reference to a totally distinct inquiry. Under these circumstances Mr. Whitcher's defence must necessarily be made at much disadvantage ; and the difficulty of arriving at a satisfactory result upon the whole case is very considerably increased. Instead of that clear evidence which is afforded by oral testimony, when sifted by cross-examination, and liable, if incorrect, to immediate exposure, I find in the present case several important statements resting, on the one side, on the confident assertion of the witness, and combated on the other by the equally confident denial of the accused. It is indeed true that in most instances Mr. Whitcher has been able to support his defence by affidavits, a species of evidence, however, which, from its nature, must always be less conclusive than oral testimony. Yet it is on accusations thus imperfectly sustained and controverted that His Majesty's Government are called on to adopt a decision involving not only the pecuniary interests, but the official reputation of a gentleman holding a high situation under the Crown. The Assembly of Lower Canada will, I am confident, admit the embarrassment to which, with every anxiety to administer an even-handed justice, His Majesty's Government is thus exposed ; and as that House, in their proceedings against the officers of the Crown, can have no other object than the detection and redress of abuses, I cannot doubt that when this matter is brought distinctly under their notice, they will at once perceive the truth of what I have stated, and will issue such instructions to their committees as shall prevent the recurrence of a practice similar to that which has been adopted on the present occasion. With this preliminary remark, I proceed to examine the evidence printed in the Appendix to the Report of the Committee.

The witnesses called before the committee were eight in number. Of these, two were advocates practising in the district court of St. Francis ; four were bailiffs, who either were or had been in the employment of Mr. Whitcher ; and the remaining two, Messrs. Gavin and Spalding, were gentlemen whose avocations had brought them into official contact with him. The evidence, however, of the two latter was almost exclusively confined to individual cases which are altogether unnoticed by the committee in their report. I must consequently presume that the committee did not consider that any charge was substantiated against Mr. Whitcher by these gentlemen, and it will therefore be unnecessary for me to enter on any detailed examination of their evidence in the subsequent parts of this despatch.

The charges brought against Mr. Whitcher in the report of the committee, are as follows :

1. That he had demanded from his bailiffs one-third of the fees legally payable to them.

2. That he had refused to employ such bailiffs as resisted this demand.

3. That he had struck one bailiff from his list in consequence of his declining to agree to this arrangement.

4. That he had employed a young man, under age, to serve summonses, paying him a much smaller sum than was allowed by law for that service, but taking from him vouchers for the whole amount.

5. That

5. That in his evidence before a committee of the Assembly, appointed to inquire into judicial fees, he had been guilty of false statements, and of a wilful misrepresentation of facts; and

6. That he had neglected to keep an open office, whereby the advocates in the courts had met with vexatious delays in the transaction of their business.

In regard to the first charge; viz. that of demanding from his bailiffs a portion of their fees, it appears, that for some time after Mr. Whitcher's appointment to the office of sheriff, it was his custom, at the time of engaging his bailiffs, to make a special contract with them as to the rate of their remuneration. By this contract Mr. Whitcher was to receive from the Government the whole fees allowed by law for the performance of the bailiffs' services; but he was to pay over to the bailiffs only two-thirds of those fees. This arrangement continued in force for several years; but in 1833 Mr. Whitcher received an intimation from the court of King's Bench that it was irregular, and he accordingly discontinued it. His accounts with his bailiffs being of small amount, he had not been in the habit of settling with them at any fixed periods; and there appear to have been several with whom he had never settled since their appointments. Some observations, however, having been made on this point in the course of Mr. Whitcher's examination in December 1835, before a committee of the Assembly appointed to inquire into judicial fees, he took the earliest opportunity on his return home to adjust his accounts, and in so doing he proceeded to repay to his bailiffs all that portion of their fees which he had retained previously to 1833. Such are the facts of the case, as I gather them from the testimony of the bailiffs examined by the committee, and from Mr. Whitcher's letter to your Lordship. Mr. Whitcher has added that he had considered it to be his undoubted right to make such arrangements as he might think advantageous for the performance of duties of which the entire responsibility devolved on himself: that his bailiffs not being in circumstances to give him any adequate security against loss, through any error which they might commit, he conceived that he was acting "legally" in deducting one-third of their fees, and that in so doing, he only followed the practice which he believes to have existed at that time, and still to prevail in other districts of the province.

In their report to the House of Assembly, the committee have assumed that this proceeding of Mr. Whitcher was "illegal." I do not, however, find in your Lordship's despatch or its enclosures, any sufficient authority for this assumption. On the contrary, from the manner in which the transaction appears to have been noticed in 1833 by the judges of the court of King's Bench, I am led to believe that it was not considered by them in that light. I am bound, therefore, to give Mr. Whitcher credit for not having wilfully contravened the law. That the practice was liable to misconstruction, and was therefore improper, it is impossible to deny; but this tendency having been pointed out to Mr. Whitcher, he appears to have immediately taken the only steps in his power to correct his error, by discontinuing it, and by paying back that part of the fees which he had previously retained. Under these circumstances, while I admit that Mr. Whitcher's conduct in this matter was erroneous, I do not feel that it affords adequate grounds for visiting him with any extreme severity. The manner in which the committee have alluded to the adjustment of his accounts in the beginning of the present year, leads me to suppose that they attributed that proceeding solely to a consciousness on his part of the impropriety of his former delay, and to a desire to conceal that delay from public notice. But although this motive may probably have had some weight with him, I think that his anxiety to settle his accounts is sufficiently explained by the examination to which he was subjected in December 1835, without assuming him to have anticipated that his conduct would be made the subject of further inquiry. His irregularity in respect to his pecuniary transactions with his bailiffs, is certainly to be condemned; but I have no doubt that the consequences which have already resulted from it, will induce him to use a greater caution for the future.

2. It is stated that Mr. Whitcher had refused to employ those bailiffs who declined to give him a share of their fees. This accusation rests altogether on the assertions of Messrs. Kimball, Short and Gavin; but as these gentlemen could have no personal knowledge of the matter, they merely repeated what they had heard from others. It is not to be found in the evidence of the bailiffs, who, although the most competent witnesses, do not appear to have been examined on this point; it is distinctly denied by Mr. Whitcher; it is inconsistent with the

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affidavits of 11 bailiffs, attached to his letter; and it is contradicted by the deposition of Mallory, one of the persons from whom Mr. Kimball asserted that he had heard it. Under these circumstances it is unnecessary for me to offer any observation on the charge.

3. Mr. Whitcher is accused of having struck from the list one of his bailiffs, in consequence of that officer's refusal to share his fees with Mr. Whitcher. The person here alluded to is John Chamberlin, in whose evidence alone is to be found the statement on which the charge is founded. Mr. Whitcher, on the contrary, asserts, and his assertion is borne out by the affidavit of Samuel Mallory, that Chamberlin was dismissed from his situation in consequence of gross misconduct. I feel bound to acquit Mr. Whitcher of all blame in this matter.

4. It is affirmed that he had employed a young man, under age, to serve summonses, paying him, at the same time, a much smaller sum than was charged to the Government for that service. In answer to the former part of this statement, Mr. Whitcher transmits an affidavit from Hiram Moe, the individual alluded to, deposing that, at the time of his being employed on the service in question, he was of age, and that he had repeatedly stated this fact to the committee, in answer to questions put to him, although it does not appear in the Appendix to their Report. In regard to the difference between the sum paid to Moe, and that charged to the Government by Mr. Whitcher, it is to be observed, that in his evidence, Moe stated that he had subsequently received from Mr. Whitcher the full amount of his fees for the service of these summonses. Mr. Whitcher's defence, therefore, on this point, is included in the answer, which I have already noticed, to the first charge.

5. Mr. Whitcher is accused of having been guilty of false statements and wilful misrepresentation in his evidence before the committee appointed to inquire into judicial fees. This refers to certain answers, in which Mr. Whitcher stated to the committee that he did not receive any part of the bailiffs' fees; and denied, by implication at least, that he had ever expressed to any of them an intention to retain a portion of those fees. Mr. Whitcher's defence on this charge is, that at the time of his examination, he was labouring under severe indisposition; that a portion only of his evidence has been printed; and that having been required to answer categorically to the questions put to him, he replied with reference to the existing practice. I cannot admit that this defence is satisfactory. The explanation which Mr. Whitcher would have had to make respecting the past and the existing practice in regard to bailiffs' fees, was neither long nor intricate; and although the committee might be indisposed to enter into matter irrelevant to the inquiry committed to them, I cannot believe that they meant to decline an explanation which was indispensable to their right understanding of the subject and essential to Mr. Whitcher's character. But even assuming that such had been the case, Mr. Whitcher's defence can apply only to the earlier questions put to him. In his answers to the questions, numbered from 50 to 53 inclusive, if he did not actually assert what was false, he so framed his answers as to conceal what was true. With respect to this point, therefore, I cannot acknowledge the sufficiency of Mr. Whitcher's defence. On the contrary, I am compelled to state, that in his examination before the committee for inquiring into judicial fees, he appears to me not to have acted with frankness, and on this ground has rendered himself liable to strong animadversion.

Lastly, Complaint is made that Mr. Whitcher has neglected to keep an open office; whereby the advocates in the courts have met with vexatious delays in the transaction of their business. This charge rests principally on the evidence of Mr. Kimball, though it is supported by that of the other witnesses. It is to be remarked, however, that although each of the witnesses was examined on this point, and though each of them deposed that inconvenience had resulted from the irregular attendance of the sheriff, Mr. Gavin alone was able to specify an instance of such inconvenience. His statement was that he had applied at Mr. Whitcher's office for a warrant, and that he "should not have had so much trouble" if it had been open. Mr. Whitcher's defence is, first, that the court-house, and more especially the sheriff's department, is in so dilapidated a state, that it is impossible to inhabit it; and secondly, that from the small quantity of his business, no necessity existed for a public office. In support of the former assertion, he refers to a presentment of the grand jury of the district, in October 1835, and to certificates of the keeper of the court-house, and the clerk of the prothonotaries, dated in March 1836, to which your Lordship has added a letter,
addressed

addressed to your civil secretary, on the 30th August last, by three of the judges of the district. From these documents it clearly appears that the court-house is now and has been for some years totally unfit for the purposes to which it is destined, and that the sheriff's apartment is in rainy weather uninhabitable. In regard to the inconvenience which has resulted to the public from irregularity in his attendance, Mr. Whitcher observes, that all processes being sued out through the advocates alone, they are the parties most likely to be affected by carelessness on the part of the sheriff; but to prove that this has not been the case, he forwards certificates from eight out of the eleven advocates practising at the bar of the district, asserting that no such inconvenience has been felt. He further appeals to the certificates of the prothonotary and his clerk, to show that in the district of St. Francis there is not the same necessity for an office constantly open as in other districts, and he transmits certificates from 10 magistrates, proving that he has been constant in his attendance on the court of sessions, and that his conduct as sheriff has their approbation. Under these circumstances, I cannot hesitate to acquit Mr. Whitcher of blame in having omitted to keep an open office. If any public inconvenience has resulted from this omission, which, after perusing the enclosures to Mr. Whitcher's letter, I cannot assume, it must be attributed to that neglect which has allowed the court-house and the offices attached to it, to fall into their present ruinous condition.

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I have now gone through all the charges brought against Mr. Whitcher by the Report of the committee. If I have not been able altogether to exonerate him, I have yet felt myself precluded from advising His Majesty to accede to the address of the Assembly for his removal. The preceding parts of this despatch will sufficiently explain to the Assembly the grounds of my decision, and will, I trust, convince them that while it is my duty to protect the officers of the Crown in the faithful discharge of their duties, I am not disposed to pass over without notice any part of their public conduct which may appear to deserve censure.

I have, &c.
(signed) *Glenelg.*

COPIES of Two REPORTS of a Select Committee of the House of Assembly of Lower Canada respecting Mr. *Felton*, together with any further Correspondence (in continuation of that presented on the 26th July 1836;*) on the subject of the Complaint against Mr. *Felton*.

* Papers presented
4th March and
27th July.

COPY of a DESPATCH from Earl *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 12 May 1836.

I HAVE the honour to transmit herewith, for the information of your Lordship, the following documents; namely: 1st, The Second Report of the Standing Committee of Grievances of the House of Assembly, being the result of an investigation directed by the House to be made into the public character and conduct of Mr. *Felton*, as agent for the settlement of five townships in this province. 2dly. A printed copy of remarks on this report, drawn up and circulated by Mr. *Felton*. 3dly. A copy of an Address from the Assembly, founded on the report, charging that officer with corrupt and fraudulent conduct, and with being guilty of oppression, peculation and extortion, by abusing the powers entrusted to him for settling the waste lands of the Crown, and praying for his immediate removal from all offices of honour or emolument which he may hold by commission during pleasure. 4thly. A copy of my answer to the address, in which I stated, that as some of the accusations appeared to me to contain allegations of fraud, requiring the decision of a court of justice, I should take the opinion of the law-officers of the Crown on the subject; and that on receiving their report, and the explanation of the accused, I should not fail to take the best means in my power for obtaining a just and speedy determination of the case. And, 5thly. A copy of the report of the Attorney and Solicitor-Generals, stating as their opinion, that, taking the evidence adduced by the House to be such as would be received by a grand jury, there were grounds set forth in the report of the Committee, and in the documents brought forward in its support,

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for a criminal prosecution of Mr. Felton as a public officer, for selling lands as his own, which, it is said, belong to the Government; and for the settlement of which lands he was entitled to, and did claim from the Government, suitable remuneration; and advising, that in the absence of any other constitutional tribunal for the trial of such offences, the conduct of Mr. Felton should be investigated by indictment before the King's Bench.

It appears that in 1822 Mr. Felton was appointed agent for the settlement of the townships in question, and that, to attract settlers, he was authorised to hold out to applicants the promise of a free grant of 100 acres of land, upon the condition of actual settlement; the performance of which condition, he, as agent, was to certify, in order to entitle the applicant to a gratuitous grant. It also appears that Mr. Felton obtained for himself, under authority from the Secretary of State, large grants of land in those townships; and it is stated in the report of the committee, that when applied to as agent for free grants of land, on the stipulated conditions only, he evaded the applications, and used means to induce the applicants to purchase lands from himself; at the same time claiming and receiving from Government his allowance of five per cent on the amount of land so disposed of, as if on locations made by him under the authority of his instructions as agent. The committee, therefore, conclude, that if the land belonged to Mr. Felton, he could not honestly claim a commission for selling it; nor if it belonged to the Crown, could he honestly sell it, as they state he has done, and convert the price to his own use.

I have not yet received from Mr. Felton, who was not present during the investigation by the committee of the Assembly, the explanation and defence for which I have called, but in his printed remarks (Enclosure No. 2.) I observe that he states, in respect to the facts brought in support of the accusation, that some are untrue, others exaggerated, and all imperfectly stated; that the very few sales made by him for money were of lands which he had a right to dispose of, on account of his per-centage as agent; and that the others were not sales for money, but transactions with his labourers, in which no money was paid by them, but on the contrary, that money had been advanced by him to enable them to commence their settlement.

I have now only to acquaint your Lordship, that in accordance with the opinion of the law-officers of the Crown, I have directed a special commission of oyer and terminer to issue for the trial, at the suit of the Crown, of Mr. Felton, on such of the charges as are susceptible of investigation in a court of law. The prosecution will take place about the middle of next month, being, as I am informed, the earliest time that could conveniently be fixed; and the ulterior measures which I may feel myself called upon to adopt with regard to Mr. Felton shall be communicated to your Lordship without delay.

I have, &c.

(signed) Gosford.

Enclosure No. 1 in preceding Despatch.

SECOND REPORT of the Standing Committee of Grievances.

ON the Instruction of Your Honourable House of the 20th November last, "to prosecute the Inquiry into the public Character and Conduct of the Honourable William Bowman Felton, instituted during the last Session," Your Committee have the honour to present the following Report:—

THE subject of this inquiry settled in the township of Ascot about the year 1816. He appears shortly afterwards to have dealt largely in land; to have obtained the confidence of Government, and to have received considerable grants from the Crown. The facts and opinions which your committee have to report, arise out of these circumstances.

On the 9th February 1822 Mr. Felton was appointed agent for the settlement of the townships of Ascot, Stoke and Hatley, among others. It was then intended to attract settlers by the offer of a valuable premium, and, accordingly, Mr. Felton was authorised and directed to hold out to every applicant the promise of a free grant of 100 acres of land, upon the sole condition of actual settlement, the clearing of a few acres, and the erection of a dwelling-house upon the land selected. Government required no other consideration for the grant, and Mr. Felton was instructed to locate each applicant, by a permit of occupation, or by a document under his hand called a Location Ticket, the form of which was delivered to him through the surveyor-general. Mr. Felton was bound to certify the performance of the settling duties, and this certificate entitled the applicant to a gratuitous grant. On the other hand, Mr. Felton might withhold the certificate, and thus defeat the claim

claim of the applicant. This was the nature and extent of Mr. Felton's duties, and he was to be remunerated by a grant of five acres for every 100 acres which should be brought under cultivation by settlers located by himself.

Your committee have not learnt what measures were adopted to give publicity to the powers confided to Mr. Felton. But several of His Majesty's natural born subjects, who have appeared as witnesses, affirm that they applied specifically to Mr. Felton for free grants of land, assuring him that they were prepared to perform the duties of settlement, when such performance was the only condition imposed by the Crown on such grants, and when it was therefore imperative on Mr. Felton to accede to their request. Of those who so applied, your committee would instance Archibald M'Curdy, James Horan, William Dodds, and George Wood, among others, to whose cases your committee would call the attention of your honourable House.

Mr. Felton's situation afforded him ample means of becoming acquainted with the most fertile tracts, as well as with the course of settlement. He also necessarily became acquainted with the choice made by each applicant for land, and he could thus from time to time select for himself not only that land which was naturally the best, but that of which the value had been enhanced by the labours of the earlier settlers. Mr. Felton seems to have availed himself of these opportunities for the purpose of forestalling divers applicants, and to have obtained enormous and excessive grants to the prejudice of many of those whom it was his duty to assist.

He was bound to grant location tickets to such of His Majesty's subjects as were desirous and fit to fulfil the settling duties, and subsequently to secure to the applicants who had accomplished that laborious task, free grants of the land on which they might severally have performed those duties. Yet Mr. Felton, when applied to for free grants on the very conditions specified in his instructions, seems invariably to have denied that he had the power of making such grants, at least in the localities selected by the settlers. He seems, on the contrary, to have resorted to subterfuge to induce, if not to compel, the applicants to purchase land from himself. Many of the sales of land which he so made have been entirely proved by testimony in the handwriting of Mr. Felton; and they are all established by sufficient evidence, generally corroborated and confirmed by his own signature. Of those which have engaged the attention of your committee, a statement is respectfully submitted, specifying the name of the purchaser, the number and range of the lot, the price stipulated, and the amount received by Mr. Felton.

Name of the Buyer.	No.	Range.	Township.	Price.	Amount paid Mr. Felton.
John Dundun - -	E $\frac{1}{2}$ 7	4	Ascot -	£. s. d. 56 5 -	£. s. d. 25 17 6
James Horan, & father	14	8	do. -	100 - -	100 - -
Jos. H. Terrill - -	22	8	do. -	15 - -	15 - -
James Parks - -	E $\frac{1}{2}$ 15	9	do. -	50 - -	50 - -
James Dundun - -	W $\frac{1}{2}$ 15	9	do. -	50 - -	49 2 6
James Duggan - -	W $\frac{1}{2}$ 7	4	do. -	50 - -	29 - -
George Wood - -	8	5	do. -	50 - -	18 5 - in money, and a note for 25 l.
Barnaby Martin - -	2-3 of 5	6	do. -	37 10 -	37 10 - N.B. The remaining 50 acres sold to one Fitzge- rald.
W. P. Fisher - -	E part of E $\frac{1}{2}$ 8	5	do. -	25 - -	19 6 6 in cash & 10 12 3 by note.
William Dodds - -	11	11	do. -	50 - -	50 - -
Ebenezer Abbott - -	E $\frac{1}{2}$ 13	1	do. -	75 - -	Whole amount paid by Samuel Mallory, to whom Mr. Felton sold the land a se- cond time.
Nathaniel Firney, now represented by Zenos Adams,	E $\frac{1}{2}$ 28	6	Stoke -	25 - -	25 - -
John Langmead - -	W $\frac{1}{2}$ 2	7	Hatley -	37 10 -	37 10 -
Oris Turner - -	14	8	do. -	30 - -	37 17 9
Thomas M. Abbott - -	W $\frac{1}{2}$ 23	5	do. -	15 - -	15 - -
Alexander Weir - -	W $\frac{1}{2}$ 7	8	Ascott -	50 - -	Some portion paid; precise amount not known, because of the absence of the purchaser.

Your Honourable House will remark, that Mr. Felton generally charged interest upon the price exacted by him, a fact which will account for any apparent discrepancy between the sum stipulated and the amount received by him.

From time to time Mr. Felton transmitted to Government official returns of the locations effected by himself as agent for the settlement of the aforesaid townships, and in these returns the names of all the abovementioned persons are to be found, with the exception of

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Alexander Weir. But your committee consider it unnecessary to refer your honourable House to all these documents, as Mr. Felton has himself, under his own signature, recapitulated the whole, in a document, dated 30th May 1834, filed in the office of the surveyor-general of the province.

This recapitulation is marked No. 10. It accompanies the petition and reference marked No. 11 (to be noticed hereafter), and purports to be a "return of settlers and others who have performed the duties of settlement, and been referred for patents in the townships of Hatley, Orford, Eaton, Stoke, and Dudswell." In this document your honourable House will find the names of John Dundun, James Horan, Joseph H. Terrill, James Parks, James Dundun, James Duggan, George Wood, Barnaby Martin, W. P. Fisher, William Dodds, Ebenezer Abbott, Zenos Adams, Oris Turner, Thomas M. Abbott, William Johnson, Elliot P. Sawyer, Ezra Cole, and of Samuel Ryder. In the document marked No. 9, recorded under the hand of Mr. Felton in the office of the secretary of the province, and intitled, "List of persons who have completed the settlement duties in Hatley, Ascot, Orford and Dudswell," your honourable House will find the name of "John Langmead." It will be seen hereafter that the land purchased from Mr. Felton by Alexander Weir was granted by the Crown to one William Johnson; but, with the exception of Weir, all the abovementioned persons who purchased their land from Mr. Felton are by him distinctly stated "to have performed the settlement duties." He has therefore recommended them or their assigns as fit subjects for the exercise of the Royal bounty, and they are all accordingly included in letters patent, which purport to make to the parties gratuitous grants of the lots by them severally and respectively bought from Mr. Felton. On comparing the preceding statement of sales with Mr. Felton's official returns, and the letters patent issued upon the faith of those returns, the persons and the lots will be found identical.

The cases of Ebenezer Abbott, of William Johnson, and Nathan Parker, merit a separate notice.

The former purchased from Mr. Felton the east half of the lot No. 13, in the first range of Ascot, at the rate of 15*s.* per acre. Mr. Felton took the purchaser's notes in payment, and these notes, in the writing of Mr. Felton, are appended to this report.

Some time after the period of payment had arrived, Mr. Felton sold the whole lot to one Samuel Mallory, and a bond also in the writing of Mr. Felton, establishing that second sale, is likewise appended. Mallory agreed to pay Mr. Felton the sum of 133*l.* 15*s.* for the lot, in which the half previously sold to Abbott was of course included. Mr. Felton having delivered Abbott's notes to Mallory, the latter returned them to Abbott, the maker, on behalf of Mr. Felton. It must be added that Abbott, being unable to pay the amount of his notes, consented to Mr. Felton's transfer to Mallory; but Abbott never received a location ticket, and he never performed any settling duties; on the contrary, he purchased the land; yet Mr. Felton has returned to Government that Abbott had performed the settling duties, and Abbott has been, on the certificate and recommendation of Mr. Felton, included in letters patent, whereby a gratuitous grant of the said lot, whereof Mr. Felton sold one half to Abbott and the whole to Mallory, is made to Abbott.

Abbott, on his part, paid Mr. Felton 12*l.* 10*s.* and he would seem still to be, by virtue of the letters patent, proprietor of the soil, although Mallory appears to have paid Mr. Felton the price of the whole.

By letters patent, dated 20th November 1830, a gratuitous grant of the west half of Lot No. 7, in the 8th Range of Ascot, is made to one William Johnson. A witness of that name had previously applied to Mr. Felton for a grant of land on the sole performance of the settlement duties, and that gentleman having assured him that he "had no land to give away, but that he had land to sell," Johnson had consented to purchase from Mr. Felton another lot in the 8th range. After the issuing of the letters patent, Johnson applied for information, and Mr. Felton assured him that the grant was not made to him, but to another person of the same name residing in Quebec.

Admitting this to be the fact, Mr. Felton's return to Government must have been incorrect, since the letters patent taken from Mr. Felton's return relate to one William Johnson of Ascot.

But the witness is the only William Johnson who has resided in that township for the last fifteen years; and even if there had been another, it is clearly established, not only that no man of that name, but that no man whatever performed any settling duties on that lot previous to the settlement of one Alexander Weir upon it. Now Mr. Felton has certified that William Johnson of Ascot performed the settlement duties, which it is evident he had not performed, and Mr. Felton has sold the lot so granted to William Johnson of Ascot, to the said Alexander Weir, as set forth in the preceding statement.

Nathan Parker purchased from Mr. Felton several lots of land which he subsequently resold to other persons. Thus he purchased Lot No. 21, in 7th range of Hatley, which he sold to Ezra Cole. He purchased Lots No. 22 and 23, in the same range of Hatley, which he sold to Elliot P. Sawyer; he purchased the east half of No. 14, in the 9th range of Hatley, which he sold to Samuel Ryder, and he purchased Lot No. 1, in the 9th range of Ascot, which he sold to James Parker.

The price paid by Nathan Parker to Mr. Felton averaged 15*l.* a lot, and Parker seems to have made a profit of 10*l.* on each. None of these parties had performed any settling duties; yet Mr. Felton has certified that they had performed them; and accordingly your committee find that the lots so by them respectively purchased from Nathan Parker, are severally conveyed to them by letters patent founded upon the official returns of Mr. Felton that these parties, namely, Cole, Sawyer, Ryder and James Parker, had completed the settling duties. This return and certificate marked No. 9, is signed by Mr. Felton.

By

Correspondence
respecting
Mr. Felton.

By these sales Mr. Felton realized large sums of money, of which he made no return to Government. On the contrary, Mr. Felton has charged and received his commission of five per cent. upon and for the said several grants, as if they had been mere locations made by him in conformity to the letter of his instructions. This fact is clearly established by the petition of Mr. Felton, marked No. 11, dated 24th June 1834, setting forth, "that he was entitled to an allowance of five per cent. in land upon the amount of land actually granted to settlers who established themselves or performed the duties of settlement in the townships under his agency, as appears by the statement certified by the surveyor-general." Now the statement referred to is the abovementioned statement marked No. 10, in which, as has been noticed, Mr. Felton returned and certified that the aforesaid persons to whom he had sold the lots, upon which they or their assigns had severally been located, had performed the settlement duties. On this pretext, Mr. Felton, by his said petition, prayed that his Excellency the then Governor-in-chief, would "be pleased to order the patent to be made out in Mr. Felton's own name for the quantity of 913 acres contained in the land reserved for the agent in the township of Ascot;" and an order was accordingly made for the issuing of the letters patent in favour of Mr. Felton.

Your committee have been supported in the painful labours which have been imposed on them, by the conviction, that the facts admitted of clear and unquestionable testimony; and in the conclusion at which they have arrived, your committee are consoled by the reflection that no doubt of its propriety can be entertained by any man who considers the nature of the evidence. This conclusion, the result of the dispassionate investigation instituted by your committee, is, that Mr. Felton is guilty of oppression, speculation and extortion, by abusing the powers entrusted to him in relation to the waste lands of the Crown; that he falsely and fraudulently represented himself to be the proprietor of a great extent of those lands, to which he had in no manner right; that he falsely and fraudulently denied that such land could be gratuitously granted to divers settlers who applied for the same, and were entitled thereto upon the mere performance of the settling duties, and concealed from them that it was his bounden duty to make such grants; that he corruptly and oppressively exacted and received from the said settlers applying for gratuitous grants, large sums of money as the price of land of which he was by his office bound to procure them gratuitous grants.

Your committee have not overlooked the possibility that the lands so sold might have been promised to Mr. Felton at the period of the respective sales in question. Your committee will not deny, that had such promise been made by government, Mr. Felton might have considered the property as virtually his own, and that in fact it would have been competent to him to have disposed of his right for a pecuniary consideration. He could then have justly substituted the purchasers for himself, and have secured to each of them severally a grant directly from the Crown. But Mr. Felton cannot shelter himself under a mere possibility at variance with his own repeated statements, as well as with facts leading undeniably to a different conclusion. In the first place, 15,813 acres of the waste lands of the Crown have been granted to Mr. Felton himself; 10,862 acres have been granted to his children, and 4,800 acres to the other members of his family, making a total of 31,475 acres.

However prodigious the extent of those grants may appear, it is not within the scope of the reference of your committee to canvass the propriety of the exercise of the Royal bounty in the case of Mr. Felton. It suffices for the purpose of this inquiry, to show that not one of the lots sold by Mr. Felton, as detailed in the evidence, is included in the very extensive grants made to himself, or to any other member of his family. And although your honourable House has applied for and obtained a list of all the applications made by that gentleman, and all the correspondence relative thereto, no trace of any design to convey to him, or of any application by him to obtain, any of the lots he so sold, can be found.

But it is evident that the Crown prescribed limits to itself. Previous to the 3d of July 1826, Mr. Felton had received grants amounting to upwards of 5,000 acres, but he appears at that time to have applied for 15,874 acres of wild land for himself and for his children.

Far from acceding to this request, it appears on the contrary, that the government was not disposed to allow him more than 5,013 acres, making a deduction of upwards of 10,000 acres on the claim of Mr. Felton. This fact, in the opinion of your committee, furnishes evidence that the amount then already granted to him was considered sufficient.

While on this branch of the subject, your committee hold it to be their duty to apprise your honourable House, that with the knowledge of the determination of His Majesty's Government to restrict the grant to one-third of the land for which he had applied, Mr. Felton, availing himself of his official character, in effect represented that he was entitled under the despatch in answer to his petition, to the whole amount claimed, and it is a fact that he accordingly procured letters patent to pass the great seal, conveying to him the whole number of acres which he had so claimed.

Fortunately for your committee, they are enabled to inform your honourable House, that two of His Majesty's Secretaries of State for the Colonies have successively expressed opinions touching this part of the conduct of Mr. Felton, in accordance with the views which your committee have been compelled to take and to express. These opinions are embodied in the despatch of the Right Hon. E. G. Stanley, dated Downing-street, 1st of April 1833, and in that of the Right Hon. T. Spring Rice, dated 29th of October 1834, to which despatches your honourable House is respectfully referred.

Mr. Felton, thus knowingly, and your committee must add, fraudulently, exacted and received a grant of 10,000 acres more than it was intended to convey to him, and he retains it to this day.

Correspondence
respecting
Mr. Felton.

But to remove all doubts, your committee would remind your honourable House, that Mr. Felton was entitled to a remuneration of five per cent. upon the grants which he should procure for actual settlers upon their mere performance of settling duties; and that in the list of settlers furnished by Mr. Felton, upon which he claimed and received this remuneration, the names of all the abovementioned applicants whom he induced to purchase land from himself, are enumerated as being entitled to free grants.

It follows then, in the apprehension of your committee, as an inevitable conclusion, that Mr. Felton is guilty of the crimes laid to his charge, whether he was or was not proprietor of the land in question. If the land belonged to Mr. Felton, he could not honestly claim a commission for selling it, nor if the land belonged to the Crown, could he honestly sell it, or convert, as he has done, the price to his own use. But, notwithstanding the enormity of the offence, your committee are bound to express their conviction that he is in truth guilty to the full extent of the last of the said alternatives.

It would appear, that since the date of the letters patent, and the discovery of the fraud, Mr. Felton has expressed a desire to be allowed to purchase the 10,000 acres so erroneously granted to him, and it seems that the administration has acceded to this proposition. It is not within the province of your committee to institute any inquiry into the result of this arrangement, but they may be permitted to express their conviction that it was incumbent on the then administration to have directed the law officers of the Crown to sue out a *scire facias* for vacating and cancelling the letters patent in question, in so far at least as relates to the excessive grant assumed by Mr. Felton.

Your committee finally submit, as the result of their labours, that the Hon. William Bowman Felton, having grossly, dishonestly and oppressively abused the confidence reposed in him by His Majesty's Government, is unworthy and unfit to hold any office under the Crown.

To this conviction your committee are confident that the evidence, and more especially that part of it under the hand of the accused, leads so conclusively as to exclude the possibility of any other opinion. Therefore, your committee, urged no less by a due regard for the honour of the King's Government, than by a sense of justice towards his people in this colony, respectfully suggest, that an humble address be presented to his Excellency the Governor-in-chief, accompanied by all the evidence, praying that his Excellency will be pleased forthwith to remove Mr. Felton from all offices of honour or emolument which he may hold.

All which is nevertheless humbly submitted,

8 January 1836.

(signed) A. Gagy.

LIST of DOCUMENTS referred to in the preceding Report.

- No. 1. Appointment of William Bowman Felton, esq., as agent for the township of Ascot, Eaton, Hatley, Orford and Stoke.
- No. 2. Instructions to agents.
- No. 3. Surveyor-general's letter to W. B. Felton, esq.
- No. 4. Location ticket.
- No. 5. Location ticket.
- No. 6. Extract of letters patent, granting unto W. B. Felton, esq., and others, certain parts and parcels of lands in the townships of Ascot, Brompton, Hatley, Orford, Acton, Roxton, Chester and Blandford.
- No. 7. List of the several grants of land made by Government to the Hon. W. B. Felton, and children.
- No. 8. List of the several grants of land made by Government to sundry grantees in the townships of Ascot, Orford and Hatley.
- No. 9. Lists of persons who have completed the settlement duties in Hatley, Ascot, Orford and Dudswell.
- No. 10. W. B. Felton's return of settlers in the townships of Hatley, Ascot, Orford, Eaton, Stoke and Dudswell.
- No. 11. Petition of W. B. Felton, late agent for several townships, praying for patents for 913 acres of land in Ascot, for agent's per-centage.
- No. 12. List of lands petitioned for by W. B. Felton, for himself and nine children.

(No. 1.)

W. B. Felton's Appointment as Agent.

Sir,

Castle of St. Lewis, Quebec, 9 February 1822.

His Excellency the Governor-in-chief having been pleased to confer on you the appointment of agent for superintending the settlement of the townships of Ascot, Eaton, Hatley, Orford and Stoke, I herewith transmit your instructions, to which you will be pleased implicitly to conform.

I have, &c.

To William B. Felton, Esq.

(signed) J. Ready.

(No. 2.)

INSTRUCTIONS TO AGENTS.

Correspondence
respecting
Mr. Felton.

To agent for superintending the settlement of the township of
The Governor-in-chief having been pleased to nominate you to be an agent for superintending the settlement of the township of you are hereby required to comply with the following instructions:—

1. You will make it your first duty to lay off a block of 500 acres for the site of a village, of which 200 acres will be further laid off for a church, school-house, and court-house for a sessions of the peace; the remaining 300 acres, in lots of five acres, to be granted on tickets of occupation, on condition that a comfortable log-house or residence shall be built thereon immediately.

2. The lots to be granted, to be one-half of an ordinary township lot, divided through the centre, not longitudinally, but so as to give to each settler a compact square farm, of about 10 acres by 10.

3. Each applicant producing to you an order in council for a half lot or 105 acres, to receive from you a location ticket, of which printed forms will be furnished you, for the half lot you will assign to him, each settler being entitled to the vacant half lot next after the last preceding certificate, provided he be the first applicant; and no certificate to be granted unless the applicant be on the spot, and ready to commence the performance of the conditions imposed by the location certificate; and you will from time to time, before the expiration thereof, return duplicates of the certificates of location issued by you, into the Surveyor-general's office, to be further proceeded on, according to the regulated system now existing.

4. That every seventh half lot be a clergy reserve, for the six half lots next preceding.

5. Every settler to be held to clear 20 feet of the road on which his lot is situated, before he commences his clearance on the half lot located to him, and within days from the date of his location certificate, and in default of so doing, that his location certificate be void, and the next applicant entitled to such half lot, and that the lot in front of each clergy reserve, to the extent of 20 feet in breadth, next adjoining such clergy reserve, be cleared by the six persons holding the six half lots last located, and preceding such clergy reserve, at the rate of one-sixth part by each.

6. Every person who shall be located shall be held to clear the entire of this half lot, by the depth of one acre from the front, within two years from the date of his location certificate, and in default thereof, shall forfeit his right to the half lot for which he may have been located, but at the same time shall be entitled to his grant of such half lot, upon producing the certificate of the agent of the township in which such lot is situate, on the performance of the above conditions, at any time before the expiration of the two years allowed for the performance of the said conditions.

7. You will take care to reserve ground for by-roads, to communicate from one range to the other, and with the roads running in front of the lots, which by-roads you will lay out at convenient distances from each other.

8. No reserves of particular lots are to be made for the Crown, but in lieu of reserves of every seventh lot, as now practised, you are to refrain from granting such parts of the township under your superintendence as you may think proper to be retained in the power of the Crown, for its future disposition, according to the circumstances accompanying the settlement of that township.

Lastly. You will consider yourself as linked with the office of His Majesty's Surveyor-General, and through him make all your reports or communications to the Governor.

By his Excellency's command,

Castle of St. Lewis, Quebec, 182 .

———, Civil Secretary.

Supplementary clause proposed to be added to the third article of instructions given to the agents appointed for superintending the settlement of the townships:

"And in order to facilitate such settlers as shall present themselves to you on the spot, being British subjects and of good character, you are hereby authorized to give each individual a permit of occupation, which permit shall be a sufficient security to such applicants for their settling and entering upon their lots, until they shall receive a location ticket from the surveyor-general, upon an order of council for the half lot assigned to each of them by you."

"A list of the individuals, with the numbers and range of the half lots they may be settled on, you will transmit to the civil secretary, to be, as in the fore part of the third clause is already stated, further proceeded on according to the regulated system now existing and as is stated in the latter part of the third clause of your instructions."

(No. 3.)

SURVEYOR-GENERAL'S LETTER TO W. B. Felton, Esq.

Sir,

Surveyor-General's Office, Quebec, 27 March 1822.

As agent for the superintendence of the settlement of the townships of Ascot, Eaton, Hatley, Orford and Stoke, it is expedient to transmit you from this office, for your information and guidance, a diagram of each of those townships, on which are exhibited the

Correspondence
respecting
Mr. Felton.

lands which have been granted under letters patent, those more recently located upon certificates of location, with those remaining vacant and grantable in each township.

Also 50 blank location tickets; your having, I presume, the form of the permits of occupation, I do not send you one. It will be necessary to report your progress to this office half monthly, or at your convenience, and consistently with the object in view. For the sake of uniformity, I also furnish you with a form of report.

You will have the goodness to collect (like the other agents) the fees of the surveyor-general, of 7s. 8d. for each location ticket, and transmit the same from time to time. Wishing you every possible success in the settlement of the extensive tract of land under your agency,

I am, &c.

(signed) *Joseph Bouchette*,
Surveyor-General.

William B. Felton, Esq.

(No. 4.)

TICKET of LOCATION.

No.

To

You are hereby authorized to enter upon and occupy the half the lot, No. in the range of the township of on condition that you shall, within days from the date hereof, clear 20 feet of the road on which the half lot hereby allotted to you is situate, and that before you commence your clearance on the said half lot; in default of your doing which, this certificate will be null and void. It is also required, that whenever you may be called upon by the agent for superintending the settlement to assist in clearing the road in front of the clergy reserve, nearest to the lot occupied by you, but not preceding it, you will immediately comply, this road being to be cleared by the six settlers on the lots preceding such clergy reserves; and it is further stipulated that you will clear the entire front of the said half lot by the depth of one acre from the front thereof, within two years from the date of this certificate; and in default of doing which, you shall forfeit your right to the same. You shall, however, be entitled to a grant of such half lot upon producing the certificate of the agent of the performance of the above conditions at any time before the expiration of the two years allowed for the performance of the said conditions.

Given at the township of this day of in the year of our Lord one thousand eight hundred and twenty

Agent for superintending the settlement of the township of

(No. 5.)

TICKET of LOCATION.

No.

THE bearer, being entitled to acres of land, by virtue of an order of the day of 183 , I hereby assign to the said on condition that he the said shall immediately settle thereon, and that he or his family do remain thereon for the term of three years from the date of this assignment, and that four acres, at least, of the said land be cleared and cultivated during that period, and that before the expiration of that period a dwelling house be erected on the said land; at the end of which term of three years (provided the said shall have fully complied with the above conditions, but not otherwise,) he shall receive a grant of the said land for him, his heirs or devisees, in due form, on such further terms and conditions as it shall please His Majesty to ordain. And it is hereby further stipulated and provided, that it shall not be lawful for the said to alien, transfer or otherwise dispose of the said land, or any part thereof, or any right or title which the said may claim thereto, by virtue of this assignment, or otherwise, until the expiration of the said term of three years, nor until the said shall have performed all the conditions above specified. And all persons are desired to take notice, that this assignment, and all others of a similar nature, are not transferable by sale, donation or otherwise, on any pretence whatever, except by an act under the signature of the executive council, which is to be indorsed upon this certificate.

Given at the , Quebec, this day of one thousand eight hundred and

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Correspondence
respecting
Mr. Felton.*Additional Conditions.*

And upon this further condition, that if any road shall be directed by the agents of the said township, with the approbation of the Governor-in-chief, and, in his absence, of the Lieutenant-governor, or person administering the government of the province for the time being, to be made in the said township, and the same shall pass through either of the lots to be located or granted by virtue of this report, that the person holding such lot by location certificate shall clear his moiety of the said road through such lot, in the manner and within the term prescribed for ordinary settlers, or surrender and assign such lot to the Crown; and in default of so doing upon demand, the location certificate for such lot or grant thereof, if any shall have been made, shall be null and void; and such lot, by such refusal, shall henceforth revert in His Majesty, his heirs and successors for ever, and be and remain at his or their disposal.

EXTRACT of a REPORT of the COMMITTEE of the whole Council, dated 14 August 1818.

Approved by his Grace the Governor-in-Chief in Council, 29th August 1818.

ON a petition for exemption from personal residence on lands recommended to be granted to the petitioner,

"The committee do humbly report, that the condition of the location ticket being, that he or his family do remain thereon for the period of three years, and that four acres thereof at least be cleared and cultivated during that period, and a dwelling-house erected, they are humbly of opinion that the petitioner is not bound to reside personally upon the land in question, and the performance of the conditions by any persons he may place upon it will be sufficient."

Certified, *W. D. Ryland,*
Assistant-Clerk Executive Council.

(No. 6.)

EXTRACT of LETTERS PATENT bearing date at the Castle of Saint Lewis, in the City of Quebec, the 20th day of November 1830, granting unto William B. Felton, Esq., and others, certain parts and parcels of Land in the Townships of Ascot, Brompton, Hatley, Orford, Acton, Roxton, Chester and Blandford.

"BENJAMIN REXFORD, Ephraim Wadley, Thomas Wadley, George Robinson, William Robinson, George Hart, Simon Kezar, Daniel Lowell, Simon Bean, Artemas Hitchcock, Abraham Rexford, Miram Rexford, Thomas Moore, Thomas Moshure, Samuel Kezar, Charles Burbank, Alphonso Burbank, John Langmead, George Maunsey, Charles Drummond, Boynton Johnson, Elliott P. Sawyer, Ezra Cole, Samuel Ryder, Samuel Rexford, Oris Turner, Oris Turner the younger, Colby Abbott, William Brown, William Peters, Edward Wadley, Stephen Call, Thomas M. Abbott, Moses Bacon the younger, Benjamin Wadley, Ira Chamberlain, William Chamberlain, Joseph Alger, David Jewit, Luther Rexford, James Brown, Edward Williamson and Joseph Merick, of the township of Hatley, situated partly in our district of Montreal and partly in our said district of Three Rivers; Joseph Rousseau, John A. Nichols and Oliver Edwards, of the township of Orford, situated partly in our said district of Montreal and partly in our said district of Three Rivers; Neal Horan, James Horan, Joseph H. Terril, John M'Curdy, Archibald M'Curdy, William Dodds, James Parks, James Dundun, Nathaniel Kendal, William Johnson, Francis Wilcox, Francis Wilcox the younger, and James Duggan, of the township of Ascot, in our said district of Three Rivers."

I do hereby certify the foregoing to be a true extract,

Secretary's-office, Quebec, 9 March 1835.

D. Daly,
Secretary and Registrar.

Correspondence
respecting
Mr. Felton.

(No. 7.)

LIST of the several GRANTS of LAND made by Government to the Hon. *William Bowman Felton, Esq.*
and Children.

TOWNSHIPS.	GRANTEES.	LOTS, No.	Range.	Number of Acres.	Date of the Patent.
Wendover (aug-mentation.)	- - William B. Felton, esq.	15 & 16 - - -	- - -	200	29 September 1815.
Ascot - - -	- ditto - - -	14 - - -	5	1,800	
		5, 10, 27 - - -	8		
		4 & 9 - - -	9		
Wendover (aug-mentation.)	- ditto - - -	4, 5, 7 - - -	10		
		3 & 17 - - -	- - -	200	
Ascot - - -	- ditto - - -	2 & west half of 3 -	12	300	1 July 1818.
		1 & 2 - - -	13	400	
		3, 4, 5 - - -	14	459	
		26 & 27 - - -	4	400	
Hatley - - -	- ditto - - -	22, 25, 26, 28 -	5	800	
		21 & 241 acres from the east end of lot No. 25 - - -	6	441	
Ascot - - -	- ditto - - -	25 & 26 - - -	2	5,200	31 May 1824.
		14, 15, 16, 17 -	3		
		21, 23, 24 - - -	4		
		23, 24, 25, 26 -	5		
		19, 23, 24, 25, 26 -	6		
		25 & 26 - - -	7		
		8 - - -	9		
		6 - - -	10		
		4 - - -	11		
		1 - - -	12		
		1 & 2 - - -	14		
		19 - - -	2		
Ditto - - -	- ditto - - -	3, 4, 5 - - -	3	3,779	20 November 1830.
		8, 14, 26, 27 & 28 -	4		
		9 - - -	5		
		12, 28 - - -	6		
		9, 16, 23 - - -	7		
		8 - - -	12		
		4 & 5 - - -	13		
		5 - - -	13		
Brompton - - -	- ditto - - -	22 - - -	4		
Hatley - - -	- ditto - - -	28, 26 - - -	6	1,234	
		28 - - -	4		
Orford - - -	- ditto - - -	10 - - -	1		
		8 - - -	2		
Ascot - - -	- ditto - - -	12 - - -	9	600	24 May 1831.
		10 - - -	10		
		7 - - -	11		
Total granted to William Bowman Felton, esq. - - - £.				15,813	
Orford - - -	{ - - William Locker Pickmore Felton. Eliza Felton - Ann Felton - Charlotte Felton - Fanny Felton - Maria Felton - Matilda Felton - Louisa Felton - Octavia Felton -	16, 17, 18, 19, 20 -	6	1,135	20 November 1820.
		16, 17, 18, 19, 20, 21	7	1,267	
		16, 17, 18, 19, 20, 21	8	1,220	
		16, 17, 18, 19, 20, 21	9	1,195	
		22, 23, 24, 25, 26, 27	9	1,261	
		16, 17, 18, 19, 20, 21	17	1,200	
		22, 23, 24, 25, 26, 27	17	1,182	
		16, 17, 18, 19, 20, 21	18	1,120	
		22, 23, 24, 25, 26, 27	18	1,182	
Total granted to the Children of William Bowman Felton, esq.				10,862	
Total granted to William Bowman Felton, esq. - - - -				15,813	
GENERAL TOTAL - - - £.				26,675	

Certified,

D. Daly, Secretary and Registrar.

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Correspondence
respecting
Mr. Felton.

(No. 8.)

LIST of the several GRANTS of LAND made by Government to the undermentioned Grantees.

TOWNSHIPS.	GRANTEES.	LOTS, No.	Range.	Number of Acres.	Date of the Patent.
Ascot - - -	John Felton - -	{ East half of No. 1 .. 5 & 6 - - -	10 11	500	29 Sep. 1816.
Ditto - - -	Charles Whitcher -	{ West half of 1 - - 2 - - -	10 10		
Ditto - - -	- - Charles Bridg- man Felton - -	{ 3 & 12 - - - East end of 8 - - East half of 2 - -	11 11 11	500	
Ditto - - -	William Whitcher -	{ 2 & 3 - - - West half of 2 - -	9 11		
Ditto - - -	John Felton - -	{ 25 - - - 24 - - -	1 2	700	
Oxford - - -	Charles B. Felton -	18 and East half 19 -	3		
Hatley - - -	- ditto - - -	21 - - - - - 23 & 234 acres of East end of 24.	6 6	700	1 July 1818.
Ascot - - -	Charles Whitcher -	{ 21 & 22 - - - 19 & East half of 22	3 4		
Ditto - - -	William Whitcher -	{ West half of No. 22 - 19, 21 & 22 - - -	4 5	700	
TOTAL - - -					

Certified,

D. Daly, Secretary and Registrar.

(No. 9.)

LIST of PERSONS who have completed the Settlement Duties in *Hatley, Ascot, Orford and Dodswell.*

TOWNSHIPS.	NAMES.	LOT.	RANGE.	ACRES.
Hatley - 1	Benjamin Rexford - - - -	W. 1/2 6	14	100
	2 Ephraim Wadley - - - -	W. 1/2 8	9	100
	3 Thomas Wadley - - - -	E. 1/2 8	9	100
	4 George Robinson - - - -	W. 1/2 9	9	100
	5 William Robinson - - - -	W. 1/2 10	9	100
	6 George Hart - - - -	E. 1/2 10	9	100
	7 Simon Kezar - - - -	No. 26	2	200
	8 Daniel Lowell - - - -	W. 1/2 9	10	100
	9 Simon Bean - - - -	No. 28	1	200
	10 Artemas Hitchcock - - - -	W. 1/2 9	8	100
	11 Abraham Rexford - - - -	E. 1/2 9	7	100
	12 Miram Rexford - - - -	E. 1/2 9	10	100
	13 Thomas Moore - - - -	W. 1/2 8	10	100
	14 Thomas Moshure - - - -	W. 1/2 9	7	100
	15 Samuel Kezar - - - -	E. 1/2 9	6	100
	16 Charles Burbank - - - -	W. 1/2 2	5	100
	17 Alphonso Burbank - - - -	E. 1/2 2	5	100
	18 John Langmead - - - -	No. 2	7	200
	19 George Maunsey - - - -	E. 1/2 9	9	100
	20 Charles Drummond - - - -	W. 1/2 19	6	100
	21 Boynton Johnson - - - -	E. 1/2 9	14	100
	22 } Elliot P. Sawyer - - - -	No. 22	7	135
	23 } - - - -	No. 23	7	126
	24 } Ezra Cole - - - -	No. 21	7	150
	25 } S. Ryder - - - -	E. 1/2 14	9	100
	26 } Samuel Rexford - - - -	No. 7	16	69
	27 } Oris Turner - - - -	No. 14	8	200
	28 } Oris Turner, jun. - - - -	W. 1/2 12	8	100
	29 } Colby Abbott - - - -	No. 17	7	200

Correspondence
respecting
Mr. Felton.

TOWNSHIPS.	NAMES.	LOT.	RANGE.	ACRES.
Hatley - 30	William Brown - - - -	N. $\frac{1}{2}$ 3	3	100
(contd) 31	William Peters - - - -	S. $\frac{1}{2}$ 3	3	100
32	Edward Wadley - - - -	No. 7	5	53
33	Stephen Call - - - -	W. $\frac{1}{2}$ 14	9	100
34	Thomas M. Abbott - - - -	W. $\frac{1}{2}$ 23	5	100
35	Moses Bacon, jun. - - - -	W. $\frac{1}{2}$ 5	6	100
36	Benjamin Wadley - - - -	E. $\frac{1}{2}$ 23	5	100
37	Ira Chamberlain - - - -	E. $\frac{1}{2}$ 13	9	100
38	William Chamberlain - - - -	No. 14	14	124
39	Joseph Alger - - - -	E. $\frac{1}{2}$ 10	8	100
40	David Jewitt - - - -	E. $\frac{1}{2}$ 14	7	100
41	Luther Rexford - - - -	W. $\frac{1}{2}$ 9	14	100
42	James Brown - - - -	W. $\frac{1}{2}$ 19	7	100
43	Edward Williamson - - - -	E. $\frac{1}{2}$ 19	7	100
44	Joseph Merrick - - - -	W. $\frac{1}{2}$ 16	8	100
Orford - 1	Joseph Rousseau - - - -	N. E. $\frac{1}{2}$ 17	5	93
2	John A. Nichols - - - -	E. $\frac{1}{2}$ 10	3	100
3	Oliver Edwards - - - -	W. $\frac{1}{2}$ 10	3	100
Ascot - 1	Neal Horan - - - -	E. $\frac{1}{2}$ 14	8	100
2	James Horan - - - -	W. $\frac{1}{2}$ 14	8	100
3	Joseph H. Terrill - - - -	No. 22	8	75
4	John M'Curdy - - - -	E. $\frac{1}{2}$ 2	5	100
5	Archibald M'Curdy - - - -	W. $\frac{1}{2}$ 2	5	100
6	William Dodds - - - -	No. 11	11	124
7	James Parks - - - -	E. $\frac{1}{2}$ 15	9	100
8	James Dundun - - - -	W. $\frac{1}{2}$ 15	9	100
9	Nathaniel Kendal - - - -	E. $\frac{1}{2}$ 7	8	100
10	William Johnson - - - -	W. $\frac{1}{2}$ 7	8	100
11	Francis Wilcox - - - -	E. $\frac{1}{2}$ 2	7	100
12	Francis Wilcox, jun. - - - -	W. $\frac{1}{2}$ 2	7	100
13	James Duggan - - - -	W. $\frac{1}{2}$ 7	4	100

N. B.—All the land now granted in Hatley is of inferior quality, and few of the remnants contain so much as is estimated.

(signed) W. B. Felton.

(A true copy.)

6 May 1828.

D. Daly, Secretary and Registrar.

(No. 10.)

RETURN of SETTLERS and Others who have performed the Duties of Settlement, and been referred for Patents in the Townships of *Hatley, Ascot, Orford, Eaton, Stoke and Dodswell.*

TOWNSHIPS.	NAMES OF LOCATEES.	Part of Lot.	Range.	Acres.
Hatley - -	Edward Remick - - - -	W. $\frac{1}{2}$ No. 8	14	100
	Paige Remick - - - -	W. $\frac{1}{2}$ - 7	14	100
	Benjamin Rexford - - - -	W. $\frac{1}{2}$ - 6	14	100
	Ephraim Wadley - - - -	W. $\frac{1}{2}$ - 8	9	100
	Thomas Wadley - - - -	E. $\frac{1}{2}$ - 8	9	100
	George Robinson - - - -	W. $\frac{1}{2}$ - 9	9	100
	William Robinson - - - -	W. $\frac{1}{2}$ - 10	9	100
	George Hart - - - -	E. $\frac{1}{2}$ - 10	9	100
	Simon Kezar - - - -	- 26	2	200
	Daniel Lowell - - - -	W. $\frac{1}{2}$ - 9	10	100
	Simon Bean - - - -	- 28	1	200
	Artemas Hitchcock - - - -	W. $\frac{1}{2}$ - 9	8	100
	Abraham Rexford - - - -	E. $\frac{1}{2}$ - 9	7	100
	Miram Rexford - - - -	E. $\frac{1}{2}$ - 9	10	100
	Thomas Moore - - - -	W. $\frac{1}{2}$ - 8	10	100
	Thomas Moshure - - - -	W. $\frac{1}{2}$ - 9	7	100
	Samuel Kezar - - - -	W. $\frac{1}{2}$ - 19	6	100
	Charles Burbank - - - -	E. $\frac{1}{2}$ - 2	5	100
	Alphonso Burbank - - - -	E. $\frac{1}{2}$ - 2	5	100
	George Mounsey - - - -	E. $\frac{1}{2}$ - 9	9	100

Correspondence
respecting
Mr. Felton.

TOWNSHIPS.	NAMES OF LOCATEES.	Part of Lot.	Range.	Acres.
Hatley - - (continued)	Charles Drummond - - - -	W. $\frac{1}{2}$ - 19	6	100
	Boynton Johnson - - - -	E. $\frac{1}{2}$ - 9	14	100
	Elliot P. Sawyer - - - -	22 & 23	7	261
	Ezra Cole - - - -	21	7	150
	Samuel Ryder - - - -	E. $\frac{1}{2}$ - 14	9	100
	Samuel Rexford - - - -	7	16	69
	Oris Turner - - - -	14	8	200
	Oris Turner, jun. - - - -	W. $\frac{1}{2}$ - 12	8	100
	Colby, Abbott - - - -	17	7	200
	William Browne - - - -	N. $\frac{1}{2}$ - 3	3	100
	William Peters - - - -	S. $\frac{1}{2}$ - 3	3	100
	Edward Wadley - - - -	7	5	53
	Stephen Call - - - -	W. $\frac{1}{2}$ - 14	9	100
	Thomas M. Abbott - - - -	W. $\frac{1}{2}$ - 23	5	100
	Moses Bacon, jun. - - - -	W. $\frac{1}{2}$ - 5	6	100
	Benjamin Wadley - - - -	E. $\frac{1}{2}$ - 23	5	100
	Ira Chamberlain - - - -	E. $\frac{1}{2}$ - 13	9	100
	William Chamberlain - - - -	14	14	124
	Joseph Alger - - - -	E. $\frac{1}{2}$ - 10	8	100
	David Jewitt - - - -	E. $\frac{1}{2}$ - 14	7	100
	Luther Rexford - - - -	W. $\frac{1}{2}$ - 9	14	100
	James Brown - - - -	W. $\frac{1}{2}$ - 19	7	100
	Edward Williamson - - - -	E. $\frac{1}{2}$ - 19	7	100
	Joseph Merick - - - -	W. $\frac{1}{2}$ - 16	8	100
	Charles Kilburne - - - -	2, 3	11	800
		2, 3	12	
		2, 3	13	
	J. M. Mondelet - - - -	27	6	1,025
		2, 3, 4	14	
		1	15	
	Thomas M'Connell - - - -	8	8	200
	William Hamilton - - - -	7, 8, 10, 11,	7	
		12.		
	Col. Thomas Manners - - - -	8, 9, 11, E. $\frac{1}{2}$	13	950
		12, 15.		
	John La Bore - - - -	E. $\frac{1}{2}$ No. 13	13	900
	Robert La Bore - - - -	W. $\frac{1}{2}$ - 13	13	100
	William La Bore - - - -	W. $\frac{1}{2}$ - 12	13	100
	John Jones - - - -	14	1	144
	Eli Ives - - - -	E. $\frac{1}{2}$ - 11	9	100
	Richard Call - - - -	W. $\frac{1}{2}$ - 13	9	100
	William Oliver - - - -	E. $\frac{1}{2}$ - 8	14	100
	Lathrop Abbott - - - -	E. $\frac{1}{2}$ - 15	8	100
	Charles Turner - - - -	E. $\frac{1}{2}$ - 17	8	100
	Harvey Merriman - - - -	E. $\frac{1}{2}$ - 15	7	100
	Isaac Ives - - - -	E. $\frac{1}{2}$ - 14	7	100
	William Thornton - - - -	E. $\frac{1}{2}$ - 9	8	100
	Joseph Ives, jun. - - - -	W. $\frac{1}{2}$ - 15	7	100
	Joseph Putney - - - -	E. $\frac{1}{2}$ - 5	6	100
	Colley Abbott - - - -	18	7	200
	P. R. Johnson - - - -	14	4	139
	Joseph Merick - - - -	E. $\frac{1}{2}$ - 16	8	100
Ascot - -	Neil Horan - - - -	E. $\frac{1}{2}$ - 14	8	100
	James Horan - - - -	W. $\frac{1}{2}$ - 14	8	100
	J. H. Terrill - - - -	22	8	45
	John M'Curdy - - - -	E. $\frac{1}{2}$ - 2	5	100
	Ard. M'Curdy - - - -	W. $\frac{1}{2}$ - 2	5	100
	William Dodds - - - -	11	11	174
	James Parks - - - -	E. $\frac{1}{2}$ - 15	9	100
	James Dundun - - - -	E. $\frac{1}{2}$ - 15	9	100
	Nathaniel Kendal - - - -	E. $\frac{1}{2}$ - 7	8	100
	William Johnson - - - -	W. $\frac{1}{2}$ - 7	8	100
	Francis Wilcox - - - -	2	7	200
	James Duggan - - - -	W. $\frac{1}{2}$ - 7	4	100
	Charles Whitcher - - - -	20, 21	2	800
		23, 24	3	
		5	6	
	Barnaby Martin - - - -		6	200
	Thomas Bowne - - - -	W. $\frac{1}{2}$ - 27	6	100
	Henry Bowne - - - -	E. $\frac{1}{2}$ - 27	6	100
	George Wood - - - -	W. $\frac{1}{2}$ - 8	5	100
	James Reed - - - -	E. $\frac{1}{2}$ - 5	5	100

Correspondence
respecting
Mr. Felton.

TOWNSHIPS.	NAMES OF LOCATEES.	Part of Lot.	Range.	Acres.
Ascot - - (continued)	Ebenezer Abbott - - - -	E. $\frac{1}{2}$ - 13	1	100
	Hepburne Drummond - - -	E. $\frac{1}{2}$ - 13	10	100
	Hepburne Drummond, jun. - -	W. $\frac{1}{2}$ - 13	10	100
	Hugh Drummond - - - -	E. $\frac{1}{2}$ - 15	10	130
	Thomas Drummond - - - -	W. $\frac{1}{2}$ - 15	10	130
	John Drummond - - - -	13	11	100
	Charles Drummond - - - -	14	11	80
Orford - -	James Parker - - - -	1	9	200
	Samuel Alexander - - - -	E. $\frac{1}{2}$ - 10	7	100
	Joseph Rousseau - - - -	N.E. $\frac{1}{2}$ - 17	5	143
Eaton - -	John A. Nichols - - - -	E. $\frac{1}{2}$ - 10	3	100
	Oliver Edwards - - - -	W. $\frac{1}{2}$ - 10	3	100
	John Ball - - - -	N. $\frac{1}{2}$ - 16	11	100
	George Taylor - - - -	N. $\frac{1}{2}$ - 17	7	100
	Guy Taylor - - - -	N. $\frac{1}{2}$ - 18	7	100
	Charles Hawley - - - -	S. $\frac{1}{2}$ - 20	8	100
	James Thompson - - - -	S. $\frac{1}{2}$ - 17	8	100
	Lesnard Ball - - - -	S. $\frac{1}{2}$ - 16	11	100
	John Spalding - - - -	S. $\frac{1}{2}$ - 17	10	100
	E. G. Spalding - - - -	N. $\frac{1}{2}$ - 17	10	100
	William Lowd - - - -	S. $\frac{1}{2}$ - 18	10	100
	Guy Gamsby - - - -	N. $\frac{1}{2}$ - 20	9	100
	Richard Boynton - - - -	N. $\frac{1}{2}$ - 19	9	100
	Tadock Spalding - - - -	N. $\frac{1}{2}$ - 18	10	100
	Thomas C. Lee - - - -	20, 21, 23, 24	1	800
	Tenos Adams - - - -	S.E. $\frac{1}{2}$ - 28	6	100
	Benjamin Westman - - - -	N.W. $\frac{1}{2}$ - 22	6	100
	James Westman - - - -	S.E. $\frac{1}{2}$ - 22	6	100
	Elijah Westman - - - -	N.E. $\frac{1}{2}$ - 20	6	100
	James Westman - - - -	20	8	200
Ascot - -	P. A. Barker - - - -	24	1	500
		s.w. $\frac{1}{2}$ of 21, 22	7	
	Windsor Wood - - - -	w.pt. E. $\frac{1}{2}$ - 8	5	50
	Parker Fisher - - - -	E.pt. E. $\frac{1}{2}$ - 8	5	50
Orford - -	William Woodworth - - - -	$\frac{1}{2}$ - 5	5	100
	John Dundun - - - -	E. $\frac{1}{2}$ - 7	4	100
	Peter Gibbon - - - -	E. $\frac{1}{2}$ - 15	4	58
				18,275
Agency at 5 per cent. - - -				913

Quebec, 30 May 1834.

(signed) W. B. Felton, late Agent.

I do hereby certify that the quantity of land above stated, of 913 acres, is correctly calculated as due to the agent upon his locations of 18,275 acres in the townships of Ascot, Orford, Hatley, Eaton, Stoke and Dudswell.

Surveyor-general's Office, }
Quebec, 31 May 1834. }

(signed) Joseph Bouchette, H.M.S.G.L.C.

(No. 11.)

PETITION of William B. Felton.

To His Excellency the Right Honourable Matthew Lord Aylmer, Governor-in-chief,
&c. &c. &c.

The Petition of William B. Felton, late Agent for settling the Townships of Hatley, Ascot, Orford, Eaton, Dudswell and Stoke.

Respectfully represents,

That your Excellency's petitioner being entitled to an allowance of five per cent. in land, upon the amount of land actually granted to settlers who established themselves or performed the duties of settlement in the townships under his agency, as appears by the statement certified by the surveyor-general, humbly prays that your Excellency will be pleased to order the patent to be made out for your petitioner in his own name, for the quantity of 913 acres contained in the lands reserved for the agent in the township of Ascot.

And your petitioner, as in duty bound, will ever pray,

Quebec, 30 May 1834.

(signed) William B. Felton, late Agent.

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On the back of this petition is the following endorsement:—

(No. 3.)—Petition of W. B. Felton, late agent for Hatley, Orford, Ascot, Eaton, Stoke and Dudswell, praying for patents for 913 acres of land in Ascot, for agent's per-centage.
Referred for 913 acres of land reserved for the agent in the township of Ascot.

Correspondence
respecting
Mr. Felton.

Quebec, 4 June 1834.

(signed) J. D.

Referred to the Attorney-general, the Surveyor-general and auditor of land patents, that letters patent be prepared on the condition of actual settlement and cultivation, as required by His Majesty's Instructions.

By command,

Quebec, 24 June 1834.

(signed) H. Craig, Secretary.

(No. 12.)

LIST of LANDS Petitioned for by *William Bowman Felton* for himself and Nine children, as ordered in Lord *Bathurst's* Despatch of the 3d July 1826.

								Acres.
William Bowman Felton	-	-	Ascot	-	Lots Nos. 19	-	in the 2d range	200
					3, 4, 5	-	3d	600
					8, 14, 26, 27, 28	-	4th	1,000
					9	-	5th	200
					12, 28	-	6th	400
					9, 16, 23	-	7th	600
					8 (165 acres)	-	12th	165
					4, 5, 6 (214 acres)	-	13th	614
			Brompton	-	22 (272 acres)	-	4th	272
			Hatley	-	28	-	4th	200
					16 (248), 28 (166)	-	6th	414
			Orford	-	10 (148)	-	1st	148
					8	-	2d	200
								Acres 5,013

William Locker Pickmore Felton, Orford - Lots Nos. 16, 17, 18, 19, (289) &									
20 (246) - - - 6th range 1,135									
Eliza	-	-	-	-	ditto	-	16, 17, 18, 19, 20, 21		
(267) - - - 7th - 1,267									
Anne	-	-	-	-	ditto	-	16, 17, 18, 19, 20, 21		
(224) - - - 8th - 1,220									
Charlotte	-	-	-	-	ditto	-	16, 17, 18, 19, 20, 21		
(198) - - - 9th - 1,195									
Fanny	-	-	-	-	ditto	-	22 (172), 23 (173), 24		
(188), 25 (223), 26									
(255), 27 (250) - 9th - 1,260									
Maria	-	-	-	-	ditto	-	16, 17, 18, 19, 20, 21	17th	1,200
Matilda	-	-	-	-	ditto	-	22, 23, 24, 25, 26, 27		
(182) - - - 17th - 1,182									
Louisa	-	-	-	-	ditto	-	16 (220), 17, 18, 19,		
20, 21 - - - 18th - 1,220									
Octavia	-	-	-	-	ditto	-	22, 23, 24, 25, 26, &		
27 (182) - - - 18th - 1,182									

(signed) William B. Felton.

Certified to be a true Copy,

D. Daly, Sec. and Reg.

On the back of the above document is the following endorsement:—

Referred to the honourable the Attorney-general and the Surveyor-general, that a draught of letters patent may be prepared for 5,013 acres of land in favour of the honourable W. B. Felton, as per report of council, on the condition of actual settlement and cultivation, as required by His Majesty's instructions.

By order of his Excellency the Administrator,

Quebec, 9 March 1829.

(signed) C. Yorke, Sec.

Correspondence
respecting
Mr. Felton.

MINUTES OF EVIDENCE.

Saturday, 21 November 1835.—ELZEAR BEDARD, Esquire, in the Chair.

Mr. John Dundun, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the honourable William Bowman Felton for upwards of 12 or 13 years; he resided at a place called Belvidere, in the township of Ascot. In 1830 I was, as I had long been, desirous of becoming proprietor of a lot of land, and having understood that Mr. Felton had land to sell, I called upon him for the purpose of effecting a purchase if I could. After some interviews, I ascertained from Mr. Felton himself, that he was willing to sell me half of lot No. 7, in the fourth range of the township of Ascot, and eventually I concluded for the purchase of the east half of the said lot. The price that Mr. Felton asked was 11 s. 3 d. per acre, but I told him I thought 10 s. per acre sufficient; and he gave as a reason for insisting on 11 s. 3 d., that he had sold the other half to one Duggan; and when I told him that Duggan had only paid 10 s., and that I thought I should have it at the same price, he said, on the contrary, that as Duggan was there before me I ought to pay more, because I should have less trouble than he: eventually I agreed to give him 11 s. 3 d., and he accordingly sold me the said half lot at that price. It was understood between us that I was to make the payments as soon as I could, and that he was to give me my deed as soon as I had paid the whole amount. On that occasion I paid him, on account, the sum of 60 dollars, by a yoke of oxen valued at that price, which I delivered to him in part payment of the price of the land. Upon this agreement between us, Mr. Felton delivered to me, with his own hand, the paper writing which I now produce, and marked (A.), to the purport following:—

(A.)

Mr. John Dundun,

You have hereby full authority and permission to occupy the east half of lot No. 7, in the fourth range of the township of Ascot.

Belvidere, 4 Sept. 1830.

William B. Felton.

Received 60 dollars on account,

W. B. Felton.

The receipt at the bottom thereof, for 60 dollars, was given me for the said yoke of oxen. In consequence of this agreement, I settled upon the said lot of land, cleared part of it, and my family are now upon it. I paid to Mr. Felton altogether, including the 60 dollars above-mentioned, the sum of 25 l. 17 s. 6 d. on account of the said land, for which I show his acknowledgment under his hand, marked (B.), and is as followeth:—

(B.)

Cr.	John Dundun's Account :	£.	s.	d.
1 Oct. 1829	- By two days with oxen at Sherbrooke	-	1	-
3 Sept. 1830	- By yoke oxen - - - - -	-	15	-
26 —	- By cutting brush, 15 days' labour	-	2	5
2 Dec. 1830	- By 70 cords wood - - - - -	-	5	7
1 April 1831	- By one and a half tons hay, at 30 s.	-	2	5
		£.	25	17
			6	

Belvidere, 18 May 1833.

W. B. Felton.

The whole of the said sum so paid, was paid on account of the purchase of the said land, and Mr. Felton has no other claim against me whatever. Since my said purchase, I learnt that letters patent had issued in my name for the said half lot, and upon application at the office of the provincial secretary, I ascertained that the fact was so. When I bought the land I thought that Mr. Felton had a deed for it; indeed he told me he was the proprietor of the said half lot, and when I hesitated at giving him the price that he required, he declared he was in no hurry about selling his land, and that if I would not pay his price that he would hold it, as others did, and make the most of it. There was never any mention of my performing any settlement duties on the said lot, either as a condition of the sale or otherwise; I was to have the lot for the price which I agreed to pay, and I was entitled to do what I pleased with it. I am a British subject, born in Ireland.

Mr. James Dundun, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for 10 or 11 years; he resided at a place called Belvidere, in the township of Ascot. I bought 100 acres of land from him, and I think it was in 1826 I bought the west half of lot No. 15, in the 9th range of the township of Ascot; when I called first he was absent, but one of his brothers told me that if I would leave 100 dollars, he would secure the half lot for me. I accordingly left the money, and I called some time after. He told me (that is, the Hon. W. B. Felton) he had received the 100 dollars which I had left with his brother, and that I might have the half lot upon payment of 10 s. per acre. I considered it a high price, and then demanded a reduction, because he had sold the other half lot for 5 s. per acre, to James Parks; he refused

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to sell it for less than 10s., telling me that the sale of the other half lot had increased the value of the half that he was selling me, and he would not sell it to me for less than 10s. I accordingly consented to give that price, and I paid him, at different times, 197½ dollars, for which I hold Mr. Felton's receipt marked (C.), and it is as followeth :

Correspondence
respecting
Mr. Felton.

(C.)

\$.	c.
100	—
46	72
46	50
3	—
196	22
	28
\$ 197	50

Received from James Dundun the sum of One hundred and ninety-seven dollars, fifty cents, in part of \$ 200, in payment of one hundred acres of land, 15 in 9 R. Ascot.

Belvidere, 14 November 1827.

W. B. Felton.

He delivered the said receipt with his own hand. I had had other receipts from him as I paid the instalments, but he gave me this one on my delivering the others to him. He distinctly assured me that the land was his own property, and it was understood that I should get a deed when I had paid the price agreed upon. When last I went to him, he told me that the land was his, although he had never taken out his title for it; and that therefore he would procure me a patent from the Crown, by putting my name in the place of his, as, by getting it out in my name instead of his own, it would save me four dollars or thereabouts; because, he said, that if I bought the land from him, I should have to get the deed of sale by him to me enregistered, which would cost me that money. He never said a word about my performing any settling duties; but he sold me the land to be disposed of by me as my own property. I have since ascertained that the land was directly patented to me. I have never had any other transactions with him, and he has no other claim whatever against me, except the price of the land. I am a British subject, born in Ireland.

Mr. James Duggan, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for upwards of 10 years; he resided at a place called Belvidere, in the township of Ascot. I bought 100 acres of land from him about seven years ago; I bought the west half of lot No. 7, in the 4th range of the township of Ascot. The Hon. W. B. Felton represented himself the proprietor of it, and he sold it to me as such for two dollars an acre. There never was a word said about the performance of any settling duties, but, on the contrary, I affirm positively that he sold me the land as part of his property, which he transferred to me, to be disposed of as I thought fit. I paid 50 dollars on making the agreement. Mr Felton was displeased at this, and told me I had no business to buy land, if I was not prepared to pay for the same; but I answered that I was a poor man, and he agreed to give me time for the balance on my paying interest. I paid since that time 116 dollars altogether on account of my said purchase, for which I have a receipt under his hand, delivered to me by himself, which I now produce, marked (D.)

(D.)

			£.	s.	d.
21 Dec. 1831.	To Balance due	-	-	32	18 9
4 June 1834.	To Interest due	-	-	4	2 4
			£.37	1	1
Jan. 1832.	Levi Nichols	-	-	3	5 -
	9 B. Corn, M ^c Kay	-	-	1	10 -
	3 B. Corn, } Mounsey	-	-	15	-
	1 B. Wheat, }	-	-		
June 1834.	Bal. due	-	-	31	11 1
			£.37	1	1
	Paid	-	-	12	10 -
	B. Burton	-	-	3	11 3
	Js. Hunting	-	-	7	8 9
	9 B. Corn, M ^c Kay	-	-	10	-
	Levi Nichols	-	-	3	5 -
	3 B. Corn, } Mounsey	-	-	15	-
	1 B. Wheat, }	-	-		
			£.29	-	-
			Note, 15 June 1834, Am. Balance		
			-	-	£.31 11 1

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The first trees that I cut down on the said lot were cut down in the month of June, and I am positive that there were no settling duties done upon the said half lot before that month; as to the year, it was either six or seven years ago, but I am positive it was not more than seven years ago. The proprietor of the other half lot is John Dundun; he settled upon it after me. When I agreed for the purchase of the land, Mr. Felton gave me a bond for a deed, viz., he was to deliver to me a title transferring the property from him to me, so soon as I should have paid the price. About a year ago last summer, that is, about 15 June 1834, he said he wanted to settle with me, and all the others who had bought land from him; that he was getting old, and that he wanted me and the rest to pay up. I then said that I wanted a deed from him; to which he replied, that he would get me one from Quebec, if I would make him up 20 dollars, and that he would not give it me otherwise. He then took paper, on which he wrote a promissory note, which he requested me to sign, and I accordingly did so. I had the greatest confidence in him at the time, and allowed him to keep the bond for the deed above-mentioned, which he took, saying I should want it no more; he also kept several orders that he had sent to me for articles which I delivered to him at his request, and receipts for payments which I had made on account of my said purchase. I asked him for a memorandum of the sums which I had paid him, and he then delivered the said statement marked (D.) as above. I have never had any other transaction with him, and he has no other claim whatever against me except the price of the land. I learnt by accident, some time last fall, that I had got a patent direct from the Crown for the said land. I am a British subject, born in Ireland.

Mr. William Johnson, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for the last 15 years. About 10 years ago I applied to him for a grant of Government land; I heard that he was authorised to make grants to settlers on the performance of settling duties only, and without any payment of money by the settlers; I told him so, and said I wanted a grant on those terms; he answered that he had no land to give away, but that he had land to sell. I believed him, and therefore I offered to buy some, and he agreed to sell me lot No. 8, in the 8th range of Ascot, at the rate of a dollar an acre, and, after a good deal of bargaining, I concluded to bargain for the same. He told me that the land was his, and that he would give me a title as soon as I had paid the price. Thereupon I delivered in provisions and work to the value of about 64 dollars; of that land I got a deed, and I am satisfied of that bargain; but since that time I have learnt that I was included in letters patent for the west half of lot No. 7, in the 8th range, and I applied to Mr. Felton for information respecting that point. He told me the land was not for me, but for a William Johnson in Quebec. I believe that he stated that the William Johnson in question was a servant to Lord Dalhousie. It is now a little more than a year since that conversation occurred. It is very true that I never performed the settling duties, but it is also very true I am the only William Johnson that has resided in the township of Ascot for the last 15 years. It is also true that no William Johnson ever appeared to make settlement duties, or perform any other work on the said lot; I have the means of knowing, because I live on the neighbouring lot. The only man that ever worked upon the said lot was one Alexander Weir and his father. I understood from the son that he had bought the land from Mr. Felton. Weir told me, before he went to work upon the land, that he had bought it from Mr. Felton. This occurred about six years ago. I am positive that not a tree was cut upon the land, and I am also positive that no improvements were made upon the land before the year 1829. I never got a location ticket. I am a British subject, born in Ireland; I served 14 years in the Irish militia.

Mr. Archibald M'Curdy, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for the last 18 years. In the course of that time I heard that it was his duty to grant land, without pay, to such of the King's subjects as performed the settling duties. About 17 years ago we wanted land in Ascot, near Sherbrooke, and we asked him for some; he said we could not get any, but he was willing to make us a sale of one of his own lots near Sherbrooke, at the rate of two dollars per acre, provided we consented to make over to him our right to a lot of land at a distance, for which he said he would put in a claim for us. Having full confidence in him, and being ignorant of our rights, we acceded to this bargain. In consequence of this bargain, Mr. Felton gave us a title to lot No. 15, in the 8th range; and my brother and I accordingly settled upon it, and paid up the 100*l.* which we had undertaken to give him. We then believed, from what Mr. Felton told us, that we could not get any other land, and that we could not get any without payment; therefore we took the lot in question upon his own terms. Before he would give us a title, he obliged us to make over to him our claim as above stated; and we have since learnt, by accident, that lot No. 2, in the 5th range, was patented to us. Had we known we could have obtained this last lot, we should have preferred it, because it is much more valuable than the lot we bought, and it is sufficiently near Sherbrooke to suit our purposes. It was in consequence of what he impressed on our minds that we consented to make so bad a bargain. Neither my brother nor myself ever performed any settling duties upon lot No. 2, in the 5th range. We were able-bodied men, and prepared to perform settling duties, and it would have been a much better bargain for us to have done so. I never got a location ticket. I am a British subject, born in Ireland. I served 14 years in the Irish militia, and I showed Mr. Felton my certificate to that effect.

Mr. James Horan, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton for upwards of 13 years. My father and
myself

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myself applied to Mr. Felton for a free grant of land in Ascot; and after some conversation with him, we gathered from him that there was none in that township of which he could make a free grant, although we told him we were ready to perform the settling duties; but he told us that there were five Crown reserves in Ascot, which he was entitled to, and as we had squatted upon a Crown reserve in that township, he would take that one, as one of the five, and would sell it to us at a dollar an acre. The lot is the 14th lot in the 8th range. Eventually we agreed, and purchased the said lot from him at that price; and we have since paid the whole amount. We trusted entirely to him, and we never exacted a receipt. We were ready to perform the settling duties, and would not have made the purchase, if he had not told us that we could not get a free grant in Ascot. I think it was in the latter end of 1822 that we made this bargain. My father died about eight years ago, yet I find that his name and mine are both included in the letters patent of the 20th February 1830. I never got a location ticket. I am a British subject, born in Ireland. I served in the Irish militia 10 years.

Mr. *George Wood*, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton about 15 years. In 1822 I applied to Mr. Felton for a free grant of land in Ascot, stating that I was able and willing to perform the settling duties. He told me there was no land in Ascot of which he could give a grant; but he stated that he would sell me some of his own. It occurred in this way: he told me if 14 persons could be got to go together he would give them a block of land upon the other side of the river. I then understood that he was a Government agent, and as such bound to make free grants on the performance of the settling duties, and he did not deny it: this might be about 1831. About two months after our interview, having in the meantime procured the consent of 14 persons, including myself, I returned to Mr. Felton, showed him a list of the persons, and requested the usual authority to go upon the land; he then informed me it was too late, for that the land had become his own property; and it resulted in his assuring me that there was no land of which he could make us a free grant in Ascot, but that if I wanted land, he would sell us some of his own. I cannot be positive as to the dates, but I am positive as to everything else. I think it was on the 15th October 1832, in consequence of his representations, that I consented to buy from him the west end of lot No. 8, in the 5th range of the township of Ascot, at the rate of 5s. an acre. He said he made it a rule, on selling of his land, to obtain a quarter down, and he insisted on my giving him a note for 20 dollars, which I did. I have since paid up the interest of the debt, and a little more. He consented it should remain upon interest, as he said he did not want the principal. To the best of my knowledge, I believe I have paid him 73 dollars on account of my purchase. For one payment that I have made, I have a receipt under his hand to the following effect, marked (E).

(E.)

Received from Mr. B. Martin the sum of three dollars in stock, to account for 11s. 3d. cash price, for Mr. Wood, in part payment of land.

Belvidere, 16 April 1830.

W. B. Felton.

I have never had any land transactions with Mr. Felton but that. I positively declare that I acquired the said lot by purchase as above stated. About the month of June 1834, I received a message from Mr. Felton, saying that he wanted me, and I accordingly called upon that gentleman; he told me he wanted me, and all the other settlers about the land, to settle with him, in order that he might sell his land to the Land Company. I said I had no money, but that I would give him my note, to which he consented; I accordingly gave him a note for a trifle less than 25 l. (exclusive of the sum which I have already stated I had then paid), which he said was the balance due to him on my said purchase. On that occasion I asked for a memorandum, and he gave me the document herewith produced, and marked (F.), to the following effect:—

(F.)

I engage to obtain the title to the west-end of lot No. 8, in the fifth range of Ascot, for and in the name of George Wood, upon his demanding the same.

William B. Felton.

I have never had any land transaction with him but that. I am positive that this memorandum was given to me in 1834, at which time I did not know that I was included in the letters patent of the 20th February 1830, by which the said land is patented to me; but I learnt it a day or two afterwards. I am a British subject, born in Ireland. I never got a location ticket. I served in the cavalry in Ireland about four months.

Mr. *Barnaby Martin*, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton upwards of 13 years. Twelve or thirteen years ago I called upon Mr. Felton, and told him that I was ready and willing to perform the settling duties, and wanted a free grant of land. He told me there was none in that township to be freely granted, but that he had some to sell. I was then too poor to buy, and I let the matter run on for a couple of years, when I called upon him again, and after a conversation of similar import he offered to sell me lot No. 5, in the sixth range, which he stated to be his own property, at 11s. 3d. the acre. As I wanted a lot in Ascot, and believed that there was none to be had upon the mere performance of the settling duties, since he told me so, I consented to make the purchase, and it was effected as follows: I

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bought 100 acres at once; afterwards I bought 50 more of the said lot at the same rate. I have since paid the whole price in this manner: my wife has washed during three years for Mr. Felton's family, at half a dollar per dozen, and it was agreed that the payment for the land should be made in this way. I thus acquired the said 150 acres, and no more. But I learn that the whole lot, comprising the 200 acres, has been patented to me, and that I am stated to have performed the settling duties. This is not the case; I never had a location ticket; but, on the contrary, went upon the lot as my own property, in consequence of the said purchase. Before I knew that the whole lot was patented to me, I was present at a conversation between Mr. Felton and one Edward Fitzgerald, and I thus learnt from Fitzgerald and Mr. Felton himself, that he had sold the 50 acres which I did not buy, to the said Fitzgerald; and I know that Fitzgerald made improvements upon the said 50 acres so bought by him. Fitzgerald is now in the United States. I am a British subject, born in Ireland; and served two years in the Irish militia, and I told Mr. Felton so.

Mr. James Parks, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton, for upwards of 10 or 12 years. When I first knew him, I asked him whether any land would be given to old country people, and I said I was ready to perform the settling duties; he said that he had no more to give, but that he had some to sell. He said he could sell me the east half of the 15th lot, in the ninth range, if I liked it; he sent me to see it. I returned and said I liked it, and he asked one dollar an acre, which I agreed to give. He then sold it to me for that price, telling me, that as soon as I had paid one quarter, I might go and work upon it, and not before. Accordingly, I delivered him a cow, which he accepted in payment of 20 dollars, and thereupon gave me leave to go upon the lot; it is 11 or 12 years ago. I have since paid him the full amount, and got my deed for it, which he delivered to me with his own hand, and which I now produce, marked (G.)

(G.)

Province of Lower Canada.

I do hereby certify, that in the letters patent, issued under the great seal of this province, bearing date at the Castle of St. Lewis, in the city of Quebec, the 20th day of November, in the year of our Lord 1830, and remaining deposited for ever in the office of the Secretary of the province, granting unto the several persons therein named, their heirs and assigns for ever, in free and common soccage, certain parts and parcels of land, situate, lying and being in the townships of Ascot, Brompton, Hatley, Orford, Acton, Roxton, Chester and Blandford, in the said province, James Parks is named as one of the grantees, and that the east half of lot number 15, in the ninth range of the said township of Ascot, is therein and thereby granted unto the said James Parks, his heirs or assigns for ever, in free and common soccage.

Secretary's-office, Quebec, }
19 March 1831.

D. Daly,
Sec. and Regr.

I am told, that the writing on the back is in his handwriting, to the effect following:—
E. ½ of 15 in 9 R. Ascot.

I now produce an account which he delivered to me, and which I saw him write, marked (H.) to the following effect:—

(H.)

1824.	£.	s.	d.	1824.	£.	s.	d.
To 100 A. at 5 s. - - - -	25	-	-	By a cow to D. Thompson - -	5	-	-
Interest due 1st January 1830 -	4	5	-	Heifer, wt. 376 lbs. at 4d. 3 15 3			
				Less pasturage, 2 months - 6 8			
					3 8 7½		
				11 days at 5 s. - - - -	2 15	-	
				1825.			
				2 days at 5 s. - - - -	- 10	-	
				3 days reaping, 3 s. 9 d. and board	- 11	3	
				2 days potatoes, 2 s. 6 d. and board	- 5	-	
				1826.			
				20 days at 2 s. 6 d. and board -	2 10	-	
				1827.			
				Cow to B. Martin - - - -	4	-	-
				5 days at 5 s. - - - -	1 5	-	
				1829.			
				Cow to D. Thompson, 14, 75 -	3 13	9	
					23 18 7½		
					5 6 4½		
	£.	29	5 -		£.	29	5 -

This account is a statement of the transaction. I never had any other transaction with him. When he gave me the said deed, he charged me four dollars for the deed, and half a dollar

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a dollar for bringing it out of the office, which sum I paid him. I am willing to leave the said documents with the committee, on the condition of their returning them to me. I never got a location ticket. I am a British subject, born in Ireland; and I was four or five years in the militia.

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Mr. William Parker Fisher, farmer, of the township of Ascot, called in; and being interrogated, answered:—I have known the Hon. William Bowman Felton about eight years. About seven years ago I went to him for some land; he told me there was none to be granted, but that he had some to sell. I would have preferred a free grant of land, as I was able to perform the settling duty; but believing what he told me, I agreed to make a purchase from him. I purchased 50 acres at 10 s. per acre, being the east part of the east half of lot No. 8, in the fifth range of the township of Ascot. I was to pay the money before I got the land; but I was to pay one quarter down before he would allow me to go upon the land. I paid him accordingly 25 dollars down, and afterwards I paid him divers sums, which will more fully appear from my account drawn up by Mr. Felton himself in his own handwriting, marked (I.) being as follows:—

(I.)

				£.	s.	d.
1829.	July 10.	Sugar and Cask	-	4	6	3
1830.	Nov. 30.	One doz. Chairs	-	2	14	-
		One doz. Rakes	-	1	-	-
		Chair	-	-	3	-
1831.	Feb.	100 Buckets	-	3	10	-
		2 p. Pails	-	-	8	-
		1 Churn	-	-	9	-
1832.	Jan.	1½ Wheat, at 5 s.	-	-	6	3
1834.	Oct. 27.	2 Cows, at \$14 each	-	12	16	6
			-	7	-	-
				£.	19	16 6
Sum	-	-	-	£.	25	-
Balance of Interest, \$21, 75					5	8 9
					30	8 9
					19	16 6
Due 28th Oct. 1834	-	£.		10	12	3

W. B. Felton.

Mr. Parker Fisher's account.

The balance in full, 10*l.* 12*s.* 3*d.*, paid by Mr. Fisher's note at one year from this date, 27th October 1834.

W. B. Felton.

Since that time he brought me a certificate of title from Quebec, and he told me that I was to pay for it. He said that he had included it in the note which I gave him upon our settlement, marked (I.) I must add that upon that occasion I gave him a note for 45 dollars in full of the price of the land. I have never had any other transaction with Mr. Felton. I have not the certificate with me, but it is undoubted that I am included in the letters patent with several others, and that this land is patented directly to me by the Crown. I never got a location ticket. I am a British subject, although born in the United States of America.

Monday, 23d November 1835.—BARTHOLOMEW CONRAD AUGUSTUS GUGY, Esq.
in the Chair.

Mr. Joseph Hazard Terrill, of the township of Ascot, called in; and being interrogated, answered:—I have lived 34 years in the township of Ascot, in the county of Sherbrooke, and do still. I have known the Hon. William Bowman Felton for about 18 years, that is, since he came to reside in the eastern townships. I applied to Mr. Felton for a free grant of land, to which he replied there was none to be given away, the land all belonged to himself. After that information, that is, in 1824, I bought some land from Mr. Felton; I bought lot No. 22, in the eighth range. I should have preferred a free grant of land upon the mere performance of the settling duties; but supposing it to be Mr. Felton's, and wishing to have that particular lot, I concluded in buying it. Indeed, he told me it was his own property, and that he would sell it to me for a sum which was not above 20*l.* nor under 15*l.* I cannot now recollect the precise sum. At that time I had cleared upon it about two acres. I had done so, thinking it was a public lot, and that I could get a lease of it from the public; that was one particular reason for my preferring that lot, as I had spent both money and labour

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labour upon it, and it was on that account that I felt desirous to buy it from Mr. Felton, when I learnt that it was his property. I paid him the full price in the fall of 1824. Nearly a year afterwards, finding that I did not get my deed, which deed he had promised to give me when I required it, I applied for some sort of writing, and Mr. Felton gave me the document I now produce, marked (K.) and is as followeth :

(K.)

This may certify that I, the subscriber, have sold Joseph H. Terrill a certain piece or parcel of land, lying in the township of Ascot, known and distinguished by lot No. 22, in the eighth range, and I have received payment in full for the same, and I hereby engage to give to the said Terrill or order a good warrantee deed of said piece or parcel of land any time when required by the said Terrill.

Ascot, 4 July 1825.

W. B. Felton.

No. 22, 8th Range.

(Endorsed) William B. Felton's obligation for land, lot No. 22, in the eighth range.

The signature "W. B. Felton" at the bottom of the said document, is the signature of Mr. Felton, I saw him sign it. Some time afterwards he told me he would get the patent out in my name. At this time I had no suspicion that the land did not belong to Mr. Felton; from my purchase, I understood the land to be transferred to me, and I was not aware that I had any settling duties to perform. When in 1834 I applied for the land, I had not cleared more than two acres. I had built no house or hut upon it; nor have I put up any since. I have since ascertained I am included in the letters patent from the Crown, which purport to make me a free grant of the said lot; I never got a location ticket. I am a British subject, although born in the United States. I am 54 years of age.

Mr. Ebenezer Abbott, of the township of Eaton, called in; and being interrogated, answered :—I lived in Ascot about 12 or 13 years, and now live in the township of Eaton about two years.—I have known Mr. Felton since 1822. I bought the east half of lot No. 13, in the 1st range, and I bargained in 1822 and concluded in 1823. When I first bargained with him, he gave me the paper which I now produce, marked (L.) and is as followeth :

(L.)

I hereby authorise Mr. Ebenezer Abbott to occupy the lot numbered thirteen in the first range of the Township of Ascot, for one year from the date hereof.

Ascot, 1st April 1822.—twenty-two.

W. B. Felton.

I have the other documents which relate to the same, and which I now produce, marked respectively (M.) and (N.) and are as followeth :

(M.)

For value received, I promise to pay to the order of the Honourable William Bowman Felton, the sum of 90 \$ on the 29th day of March 1832, (being three years from the date hereof) with legal interest on the same, to be paid annually. As witness my hand.

Belvidere in Ascot, 29 March 1829.

(Endorsed.) *E. Abbott*, Note for \$ 90 and interest.

(N.)

For and in consideration of the east half of lot No. 13, in the first range of the township of Ascot, to be conveyed or to be caused to be conveyed to me, I promise to pay to the Honourable William Bowman Felton or his order, the sum of \$ 250, with interest on the same, from the date hereof, paid yearly.

Belvidere in Ascot, 29 March 1829.

(Endorsed) Note for \$ 250 and interest.

He told me that the land was his property, and he exacted from me 15 s. per acre for the land, and I consented to pay that sum. The documents (M.) and (N.) are promissory notes, which I gave him in payment of my said purchase: he drew up the notes in his own handwriting and signed them, and delivered them to him so signed at the date thereof; he kept them a couple of years or thereabouts in his own hands, and then returned them to me under the following circumstances: Mr. Felton wrote to me, saying that he wished to put Mr. Samuel Malloreys in his place, if I should consent to it, to which I had no objections; in consequence of this arrangement Mr. Felton delivered to Mr. Malloreys the said documents marked (M.) and (N.) I made a bargain in the meantime with one Oliver Blodgett, about the improvements on the lot, and he having made some arrangement with Mr. Malloreys, brought and delivered to me the said promissory notes marked (M.) and (N.). I, on my part, also delivered to him a bond for a deed, which Mr. Felton had given me, at the time of my signing the said two documents marked (M.) and (N.). My reason for consenting to the same was, that I was unable to pay the amount. On that account I lost the land. I had made considerable improvements on the land, but being so situated I sold them for a trifle. The note marked (M.) was given for interest upon my said purchase. The way in which the interest accumulated was this; when I made the purchase in 1823, he gave me

me a bond for the deed, upon my promising to pay the price above mentioned, and the interest had accumulated to \$90 in 1829. I actually paid \$50 and one year's interest upon it, at the time when this bond was given. Oliver Blodget is now in possession of that land. I understood from him he had bought it from Mr. Malloreay; but I have learnt from other quarters, that Mr. Felton had given a deed directly for it. I never got a location ticket for the said lot. I am a British subject, although born in the United States of America.

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respecting
Mr. Felton.

Mr. *Samuel Malloreay*, of the township of Ascot, called in; and being interrogated, answered:—I have been living in Ascot since 1824, and have known the Honourable William Bowman Felton since 1816. I am the Samuel Malloreay mentioned in the evidence of the last witness, Mr. Ebenezer Abbott; and I am well acquainted with the lot in question. Mr. Felton himself told me he had sold it to Abbott; this was when I applied to Mr. Felton to be allowed to purchase the lot, about, I think, in November 1831. He told that he held Abbott's notes, and I now recognize the documents marked (M.) and (N.) as the promissory notes of the said Abbott, which Mr. Felton put into my hands upon the occasion of my concluding with Mr. Felton the bargain which I am about to explain. I delivered the said notes to Oliver Blodget, who told me that he delivered them to Abbott. My bargain, to the best of my recollection, with Mr. Felton, was to pay him \$535 for the lot. Abbott had only bought the half, but my purchase was of the whole lot, including the lot which Abbott had previously purchased. In virtue of my said bargain, I paid to Mr. Felton several sums of money; firstly, I took up Abbott's two notes marked (M.) and (N.) paying to Mr. Felton the amount thereof; secondly, Mr. Felton gave me the bond now exhibited by me, written by Mr. Felton himself, marked (O.) as follows:

(O.)

Know all men by these presents, that I, William Bowman Felton, of Ascot, am firmly bound unto Mr. Samuel Malloreay in the sum of \$400. to be well and truly paid unto him, his heirs or assigns.

Now the condition of this obligation is such, that whenever the said Samuel Malloreay shall pay unto me the sum of \$100. in neat stock or grain, with interest on the same from the date thereof, paid annually until the term of complete payment, then I shall deed or procure to be conveyed unto him the said Samuel Malloreay the lot No. 13, in the first range of the township of Ascot, in which case this bond is to become void and of no effect, otherwise to remain in full force.

Belvidere, in Ascot, 29 March 1832.

William B. Felton.

I hereby acknowledge to have received the full amount of the above bond this 20th day of July 1835.

(On the back.)

William B. Felton.

Total No. 2178. Deposited for enregistration in the registry-office for the county of Sherbrooke, province L. C. on the 12th day of February, A.D. 1833, at one o'clock afternoon. See Records, vol. vi. page 219.

George Goodhue, Deputy-registrar,
County of Sherbrooke.

Received by one yoke of oxen, 27th December, \$50.

Ascot, 27 December 1834.

(Endorsed.)

William B. Felton.

Hon. W. B. Felton, bond for lot No. 13, in the first range of Ascot, to Sam. Mallory 12th February 1833, 1 P.M.—151—2178, vol. 6, page 219.

I confide in the promise of the committee that this bond will be delivered to me so soon as I require it, and produce it at the request of the committee on that condition, as it is of great importance to me. I paid to Mr. Felton the whole amount of the bond as acknowledged by him on the face thereof, under date of the 20th July last. The several sums of money which I paid to Mr. Felton exceed \$540; they were so paid on account of the said lot, and on account of no other account. With respect to the bond for a deed which Abbott declares that Mr. Felton had given him, I am enabled to state that I saw the bond that I received from Abbott himself, and put it into the hands of Mr. Felton himself. It was somewhat longer than my bond marked (O.) but of similar import, except that it related only to one half of the lot. Although my acquittance bears date in July last, my payments had been made at different times previously, whereof the last was in the month of May preceding. I never got a location ticket. Mr. Felton would not sell me Abbott's half without his consent.

Mr. *Horace Webster*, farmer of the township of Ascot, called in; and being interrogated, answered:—"I have lived about 25 years in Ascot. I have known Mr. Felton since he came to the country. I am agent for one Zenos Adams, who resides in Upper Canada. One Nathaniel Finney bought from Mr. Felton the south-east half of lot No. 28 in the 6th range of Stoke, in or about the year 1829, to the best of my knowledge, at and for 5 s. per acre. I was present when Mr. Finney paid Mr. Felton for the said lot, and I know the fact above stated from what took place, and what Mr. Felton said and admitted on that occasion. Mr. Finney had sold the lot so bought to Phineas Rice Adams, then represented by the said Zenos Adams, and I appeared as the agent of the latter to obtain a title for

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him from Mr. Felton. On being asked for a deed for my principal, Mr. Felton said he was in too much haste to give the deed, but that he would give me a bond for a deed for Mr. Adams. I insisted on getting the deed itself, but he declined, unless I could produce my power of attorney. This I could not do, as I had left it at home, and he then said, that on that account nothing could be done; and when I said I would return next day, he said he could not attend to it; but he recommended to me to have a patent issued in the name of Mr. Adams, as the expense would be less, and the deed would be better. I knew nothing of the mode of transacting business, and determined on following Mr. Felton's advice. I told him so, and he then gave me a bond drawn up by himself. This bond I will transmit to the committee (as I have left it at home) so soon as I return to my residence, upon the promise of the committee to return it to me. I know that Finney paid Mr. Felton 25 *l.* for the 100 acres, and I know that Phineas Rice Adams had paid Finney. I know to a certainty that the said Zenos Adams never performed any settlement duties on the said lot.

The following is the bond referred to in the preceding evidence, and marked (K.K.)

Know all men by these presents, that I, William Bowman Felton, of Belvidere, in the township of Ascot, province of Lower Canada, am holden and firmly bound unto Zenos Adams, of the township of Esquesing in the province of Upper Canada, in the sum of \$ 500, of which payment to be well and truly made, I hereby bind myself, my heirs, executors and assigns.

The condition of this obligation is such, that if the above bounden William Bowman Felton shall deed or cause to be deeded or patented unto the said Zenos Adams or his lawful attorney that tract of land known and described as the south-west half of the lot No. 28 in the sixth range of lots in the township of Stoke, containing about 100 acres more or less, with the usual allowance for highways, then this obligation is to be void, otherwise to remain in full force and effect.

Belvidere in Ascot, the 8th day of February 1831.

William B. Felton.

(Witness) George Mounsey.
Archd. Wier.

(Endorsed) William B. Felton's Bond for Deed.

Tuesday, 24th November 1835.—ELZEAR BEDARD, Esq., in the Chair.

William Sax, Esq., of Quebec, called in; and examined.

Have you frequently seen the Honourable William Bowman Felton write and sign his name, and have you thereby become acquainted with his handwriting and signature?—I have frequently seen him write, but I do not recollect having seen him sign his name on any particular occasion; but nevertheless I know his signature and handwriting.

Look at the documents now exhibited to you, referred to in the evidence of divers witnesses, produced before this committee, severally marked A, B, C, D, E, F, G, H, I, K, L, M, N, O, and say and declare whether, to the best of your knowledge and belief, the writing and signature of the same respectively be the genuine handwriting and signature of the said Honourable William Bowman Felton; and if they be not all such, please to point out any among them which may not be genuine, to the best of your knowledge and belief?—The several documents marked A, B, C, E, F, I, K, L, O, are to the best of my knowledge and belief, the genuine signatures of the Honourable William Felton, and they are also written by him, except the document marked K. And those marked D, H, M, N, are also in the hand-writing of that gentleman, to the best of my knowledge and belief. The endorsement on the document marked G, is also in his handwriting, to the best of my knowledge and belief.

John Davidson, Esq., called; in and examined.

Have you frequently seen the Honourable William Bowman Felton write and sign his name, and have you thereby become acquainted with his handwriting and signature?—Yes.

Look at the documents now exhibited to you, referred to in the evidence of divers witnesses, produced before this committee, severally marked A, B, C, D, E, F, G, H, I, K, L, M, N, O, and say and declare whether, to the best of your knowledge and belief, the writing and signature of the same respectively, be the genuine handwriting and signature of the said Honourable William Bowman Felton; and if they be not all such, please to point out any among them which may not be genuine, to the best of your knowledge and belief?—The several documents marked A, B, C, E, F, I, K, L, O, are to the best of my knowledge and belief, the genuine signatures of the Honourable William Bowman Felton, and they are also written by him, except the document marked K. And those marked D, H, M, N, are also in the handwriting of that gentleman, to the best of my knowledge and belief. The endorsement on the document marked G, is also in his handwriting, to the best of my knowledge and belief.

Friday, 27 November 1835.—JEAN CHARLES LETOURNEAU, Esq., in the Chair.

Mr. *John Langmead*, of the township of Hatley, farmer, called in; and being interrogated, answered:—The Honourable William Bowman Felton has resided since I have known him, in the township of Ascot, which is about 11 years. I have bought land in Hatley from the Honourable

Honourable William Bowman Felton, as near as I can remember, in 1824. I bought the west half of Lot No. 2. in the seventh range of the township of Hatley. I asked Mr. Felton several times if he would make me a free grant of land on my performing the settling duties; on one of these occasions he promised me a free grant of half the lot, and when I called again and repeated my request, he told me that one-half of the lot was already granted to me, and that the other half of the said lot, which I bought, was his own property, and he offered to sell it to me. Upon this I agreed to purchase the said other half at a dollar and a half per acre. He said then, that he must have one-third of the price cash down, and I accordingly paid \$ 60 on making the bargain. As I had a free grant of the east half, he gave me a receipt for these £. 15, on account of the west half which I so bought. This first payment was made in 1825, or 1826, as well as I can recollect; and I have since paid him \$ 52 $\frac{1}{2}$, and I gave him my note for the balance, which, including interest, amounted to \$ 44 and some pence. I have thus paid him in full. I expected a title transferring the property of the west half of the said lot from Mr. Felton to me; but I heard since, that is, in or about April 1833, I learnt that the letters patent of the 20th November 1830 purport to convey to me a free grant of the whole. My sons never performed any settling duties on the said lot, nor in fact did I. These improvements had been previously made by one Lovejoy, from whom I bought them, previously to my speaking to Mr. Felton, for \$ 600. I acquainted Mr. Felton with this fact. I add, that I had applied for a title from the Crown through Squire Thomas of Melbourne, long before I spoke to Mr. Felton; and that I have reason to be convinced that it was not Mr. Felton who procured me the free grant of the east half of the said lot. I now produce two location tickets given by Mr. Felton to my sons, Bela and Leon, marked (P.) and Q.) and are as followeth:

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(P.)

TICKET OF LOCATION.

No.

To Bela Langmead.

You are hereby authorised to enter upon and occupy the east half of the lot No. 11, in the 10th range of the township of Hatley, on condition that you shall, within 100 days from the date hereof, clear 20 feet of the road on which the half lot hereby allotted to you is situate, and that before you commence your clearance on the said half lot, in default of your doing which this certificate will be null and void. It is also required that whenever you may be called upon by the agent for superintending the settlement to assist in clearing the road in front of the clergy reserve, nearest to the lot occupied by you, but not preceding it, you will immediately comply, this road being to be cleared by the six settlers on the lots preceding such clergy reserve; and it is further stipulated that you will clear the entire front of the said half lot by the depth of one acre from the front thereof, within two years from the date of this certificate, and in default of doing which you shall forfeit your right to the same. You shall, however, be entitled to a grant of such half lot upon producing the certificate of the agent of the performance of the above conditions, at any time before the expiration of the two years allowed for the performance of the said conditions.

Given at the township of Ascot this 22d day of July, in the year of our Lord 1822.

W. B. Felton,

Agent for superintending the settlement
of the township of Hatley.

(Q.)

TICKET OF LOCATION.

To Leon Langmead.

You are hereby authorised to enter upon and occupy the west half of the lot No. 11, in the 9th range of the township of Hatley, on condition that you shall, within 100 days from the date hereof, clear 20 feet of the road on which the half lot hereby allotted to you is situate, and that before you commence your clearance on the said half lot, in default of your doing which, this certificate will be null and void. It is also required that whenever you may be called upon by the agent for superintending the settlement, to assist in clearing the road in front of the clergy reserve nearest to the lot occupied by you, but not preceding it, you will immediately comply, this road being to be cleared by the six settlers on the lots preceding such clergy reserve; and it is further stipulated, that you will clear the entire front of the said half lot by the depth of one acre from the front thereof within two years from the date of this certificate, and in default of doing which you shall forfeit your right to the same. You shall, however, be entitled to a grant of such half lot upon producing the certificate of the agent of the performance of the above conditions, at any time before the expiration of the two years allowed for the performance of the said conditions.

Given at the township of Ascot this 13th day of December, in the year of our Lord 1824.

W. B. Felton,

Agent for superintending the settlement
of the township of Hatley.

They performed the settling duties, and Mr. Felton took the certificate of their having done so, which was given to my sons by one Simon Kezar. This man was employed by Mr. Felton to inquire and ascertain if the said duties had been performed by directions

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of Mr. Felton, and my sons paid Kezar for so doing, yet my sons have no grant of the said land; and when I applied to Mr. Felton for a grant for my said sons, he said he could not procure them a grant; that he thought it was of no use to apply, for that he thought the Land Company had got the land.

Tuesday, 1 December 1835.

Mr. *Oris Turner*, of the township of Hatley, called in, and being interrogated, answered:— I have known the Honourable William Bowman Felton for 13 years. In 1822 I purchased from Mr. Felton lot No. 14, in the 8th range of Hatley. I agreed to pay him 3s. for each acre. I paid him the whole amount, including interest, and I paid altogether 37*l.* 17*s.* 9*d.* I produce a memorandum in the handwriting of Mr. Felton, marked (R.) establishing the payment of part of the money through Elliot Sawyer, and it is as followeth:

(R.)

Mr. Sawyer pays for Oris Turner 18*l.* 17*s.* 8*d.*, with interest, from 10th November 1831 to 7th March 1832 inclusive.

£.	s.	d.				\$.	c.
18	17	8	-	-	-	75	53
			Interest	-	-	1	54
						\$-77	7

On his note payable with interest, on bond, dated at Belvidere, 8th March 1832.

W. B. Felton.

He sold me the property as being his own, and he handed me the paper I now produce as a bond for a deed. I am positive that it was a regular sale, for I heard Mr. Felton acknowledge that he had sold the land, and had been paid for it. When afterwards I applied for my deed, Mr. Felton said that he would get out the patent in my name, that it would be cheaper and better. He did eventually send me a certificate that the land was patented to me, and charged me 10*s.* 3*d.* for it.

Mr. *Thomas M. Abbott*, of the township of Hatley, called in; and being interrogated, answered:—In 1824 my father, Asa Abbott, bought of Mr. Felton the west half of lot No. 23, in the 5th range of Hatley, at 3*s.* per acre. He paid to Mr. Felton 15*l.* in full, in work, partly done by himself and partly by me; my father sold me the land, and I went with him to Mr. Felton, that my father's transfer might be regular. My father then, that is, 12th April 1823, paid 5*l.* to make up the amount then due to Mr. Felton, and Mr. Felton never said a word about the performance of any settling duties. I understood that I bought the property from him, and expected to get a title from him; but I afterwards found that I was included in letters patent, purporting to make me a free grant, dated 20th November 1830. There were not then two Oris Turners when I bought No. 14 in the 8th range. I did not know that I could get a free grant, and Mr. Felton never told me that I could get a free grant.

The following paper, marked (S.), was produced by the witness:

(S.)

I engage to have the west half of No. 23 in the 5th range of Hatley deeded to Thomas M. Abbott, upon his reasonable request, at any time after January 1829.

Belvidere in Ascot, 12 April 1828.

W. B. Felton.

Dominick Daly, esq., provincial secretary, called in; and being interrogated, answered:— Letters patent under the great seal of the province have issued, dated 20th November 1830, in favour of the Honourable William Bowman Felton, for 5,013 acres for himself, and 10,862 acres for his children, under a claim preferred by himself; and I know of no other authority than the document in my office, which I have produced, marked (No. 12). One John Dundun appears to have received a free grant of land from the Crown, and I will lay before the Committee a certificate of the same, marked (T.)

(T.)

Province of Lower Canada.

I do hereby certify that in the letters patent issued under the great seal of this province, bearing date at the Castle of St. Lewis, in the city of Quebec, the 20th day of December in the year of our Lord 1834, and remaining deposited for ever in the office of the secretary of the province, granting unto John Dundun the grantee, therein named, his heirs and assigns for ever, in free and common soccage, certain parts and parcels of land, situate, lying and being in the township of Ascot, in the said province, and that the east half of lot No. 7, in the 4th range of the said township of Ascot, is therein and thereby granted unto the said John Dundun, his heirs or assigns for ever, in free and common soccage.

Secretary's Office,
Quebec, 1 December 1835.

D. Daly, Sec. and Reg.

Saturday, 5 December 1835.—ELZEAR BEDARD, Esq., in the Chair.

Correspondence
respecting
Mr. Felton.

William Sax, esq., again called in; and examined:—You have already declared that you were acquainted with the handwriting and signature of the Honourable William Bowman Felton; be pleased to examine the document now exhibited to you, inclosed by the witness Horace Webster, to a member of the committee, purporting to be a bond for a deed by Mr. Felton to one Zenos Adams and marked (K. K.), and say and declare whether or not, to the best of your knowledge and belief, the writing and signature are the writing and signature of the said Honourable W. B. Felton?—To the best of my knowledge and belief the document marked (K. K.) and now exhibited to me, is the signature and handwriting of the Honourable W. B. Felton.

John Davidson, esq., again called in; and examined:—You have already declared that you were acquainted with the handwriting and signature of the Honourable William Bowman Felton; be pleased to examine the document now exhibited to you, inclosed by the witness Horace Webster, to a member of the committee, purporting to be a bond for a deed by Mr. Felton to one Zenos Adams, and marked (K. K.), and say and declare whether or not to the best of your knowledge and belief, the writing and signature are the writing and signature of the said Honourable W. B. Felton?—The document now exhibited to me, and marked (K. K.) in red ink, I have no doubt of its being the genuine signature and handwriting of the Honourable W. B. Felton.

Monday, 7 December 1835.

Mr. Daniel Weir, farmer, of the township of Ascot, called in; and being interrogated, answered:—I am well acquainted with the Honourable William Bowman Felton, and also with William Johnson of Ascot, one of the witnesses examined before this committee. I am his neighbour, he being located on lot No. 8, in the 8th range, and I being located on the west half on lot No. 7, in the 8th range. I only bought that half of the lot: another man of the name of Kendal lives on the east half; my son bought the said west half from Mr. Felton; I know it as well from Mr. Felton himself as from my son, for I have conversed with Mr. Felton on that subject. Mr. Felton told me that he had sold it to my son for 50*l.*, and I know that my son paid money on account. My son is now absent, having gone to the States some time before the notice to appear here reached our house. Since it has been rumoured that Mr. Felton was accused of misconduct in relation to this lot, Mr. Felton asked me to call upon him, and when I went he informed me that this lot had belonged to one Johnson, an officer's servant in Quebec, who had sold it to Mr. Felton, and to whom Mr. Felton had paid the price. When my son and I purchased the lot from Mr. Felton, which is now about five years, as I think, no settlement duties had been performed on the said lot; there was not even any slashing of the timber, nor any other mark that any man had been upon it with any view to settlement. I can positively say that my son and I were the first people who began to work upon that lot, and that it was in a state of nature when we took possession of it. My son did not get a location ticket; on the contrary, he and I went upon the lot as upon his own property, and we began upon it as having bought it for the sum of 50*l.*

Did you present a petition to the Governor-in-chief for a grant of land before you went into the township, or after you arrived there?—No, I asked Mr. Felton to procure me a free grant of land, telling him I was ready to perform settlement duties; to which he answered that he had no land to give, but that he had the lot in question, which was his own, and that he would sell it me; however, he told me that I might have a grant for my son, and for myself too, in the course of some years after, but not at that time. It was that that induced me to buy the said land at that time, because if could have got it as a free grant, I should certainly not have bought it.

Did you obtain an order of the executive council for a grant of land; and if so, what quantity was assigned to you, and in what township?—No; as I found on application to Mr. Felton that there was not land to be granted, I took no further trouble about it.

Were you furnished with a location ticket from the surveyor-general's office?—No.

Did you pay the surveyor-general's fees of 7*s.* 8*d.* on the location tickets, and to whom was it paid?—No.

Did you receive a location ticket from Mr. Felton?—No.

When you went upon your land, was there any improvement on it; if so, how much land was cleared?—Yes; there were seven or eight acres partly improved, the timber was merely slashed, but it was not cleared; the timber was not burnt, nor even logged.

Was there a house or any other building on the lot?—Yes, a block-house, built after the fashion of the French Canadians, was began, but not finished.

Whom did you pay for the improvements, and how much did you pay for them?—I only paid Mr. Felton.

Did you understand that Mr. Felton put you on the land as agent, or on his account?—Mr. Felton put me upon it as being the proprietor of it, and he sold it to me.

Mr. William Dodds, farmer, of the township of Ascot, called in; and being interrogated, answered:—I know the Honourable William Bowman Felton. About 10 or 11 years ago I bought from him lot No. 11 in the 11th range of Ascot, for 200 dollars, which sum I accordingly paid him, partly in money, and partly in labour. When Mr. Felton sold me that land, he sold it as his own property, and as such that he had the right of transferring it to me. At that time I understood that I was to get a deed from himself, transferring the property from himself to me; but since, I find I am included in letters patent which purport

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to make me a free grant of the said land. I am an Englishman, and I have been 16 years in the country. I bought the land in question from Mr. Felton in 1824.

Did you present a petition to the Governor-in-chief for a grant of land before you went into the township, or after your arrival there?—No.

Did you obtain an order of the executive council for a grant of land; and if so, what quantity was assigned to you, and in what township?—No.

Were you furnished with a location ticket from the surveyor-general's office?—No.

Did you pay the surveyor-general's fee of 7 s. 8 d. on the location tickets, and to whom was it paid?—No.

Did you receive a location ticket from Mr. Felton?—No.

When you went upon your land, was there any improvement upon it; if so, how much land was cleared?—None of it was cleared.

Was there a house, or any other building on the lot?—None.

Whom did you pay for the improvements, and how much did you pay for them?—There were no improvements to be paid for.

Did you understand that Mr. Felton put you on the land as agent, or on his account?—Mr. Felton acted on his own account, and not as agent.

Wednesday, 16th December 1835.—BARTHOLOMEW CONRAD AUGUSTUS GUGY, Esq.,
in the Chair.

Mr. *Nathan Parker*, of the township of Stukely, farmer, called in; and being interrogated, answered:—I formerly resided in Ascot. I have known the Honourable William Bowman Felton 13 or 14 years. I have had considerable dealings with him; I have bought land from him. I bought from Mr. Felton the following lots of land, viz.: lot No. 1, in the 9th range of Ascot, and lots Nos. 21, 22 and 23, in the 7th range, east half of lot No. 14 in the 9th range, No. 7, in the 16th range of the township of Hatley. There never was a word said of the performance of settling duties, nor of a location ticket; on the contrary, he represented the land to be his own, and sold it to me as such, and never gave me a location ticket. I paid him 350 dollars for lot No. 1, in the 9th range of Ascot. I paid him 60 dollars for each of the other lots. The way in which I paid the first-mentioned lot is by order on one William Walker, blacksmith, of Sherbrooke, who settled with Mr. Felton for the amount. I never took a receipt, but I believe I could also establish the other payments. I made these purchases about six or seven years ago. Immediately after buying from Mr. Felton I sold the lands again to the following persons, viz.: I sold lot No. 1, in 7th range of Hatley, to Ezra Cole, for 70 dollars; lots No. 22 and 23, in the 7th range of Hatley, to Elliot P. Sawyer, for 200 dollars, to the best of my recollection; east half of lot No. 14, in the 9th range, to Samuel Ryder, for 80 dollars; and I sold lot No. 1, in the 9th range of Ascot, to James Parker, for 320 dollars; all these people paid me for their several purchases. They went upon the several lots as upon their own property. They were never desired to perform settling duties, and never expected to be called on for any, because they paid their money for the land; yet I find that they have got free grants of those lands, and I presume that Mr. Felton has certified that they had performed settlement duties, because I see that they are included in his return to that effect. I can, however, and so can they, certify to the contrary.

Enclosure No. 2, in Despatch from the Earl of Gosford, dated May 12, 1836.

REMARKS on a Report of a Committee of the House of Assembly, submitted for the consideration of the Members of the Legislature and the Public at large.

It appears by the newspapers, that a committee of the House of Assembly has submitted to that honourable body a report, which if public rumour may be relied on, contains charges of a calumnious and defamatory nature, reflecting on my character and conduct as a public officer.

I have long been aware that certain imputations injurious to my reputation were entertained by the Assembly, and I have anxiously awaited their exhibition, that I might be enabled to meet and refute them.

The charges being directed against me as a public officer, I had a right to expect that communication of them would be made to the executive, but so far as I can learn no petition or complaint on the subject has been brought under the notice of Government.

I had equally a right to expect that the hon. gentleman who brought the complaint before the Assembly would, from his station in the country, have felt it to be courteous at least, if not just, to afford me an opportunity of explaining or vindicating any doubtful point in my conduct, but I have not been favoured with any intimation of a desire on his part to obtain information on the subject; although in noticing an anonymous attack in the newspapers, I professed my readiness to afford any disinterested inquirer all the explanation that could be required; further than this I could not go consistently with my ideas of public duty, conceiving that an officer under Government ought not to answer anonymous accusations in the public journals brought against him in his official capacity; his time and talents belonging to his employer, to whom alone he is responsible for their application, as well as for his official conduct.

It is thus evident that the parties interested in propagating the reports against me did not find it convenient to afford me the opportunity of refuting them.

So soon however as it became known that the committee had made a report to the Assembly, I considered myself authorized to take public notice of it, and I instantly addressed a memorial to his Excellency the Governor-in-chief, praying him to institute an inquiry into the charges, whatever they might be, of which however I had but an imperfect knowledge, for the secrecy of the proceedings in the committee prevented me from ascertaining the scope of the accusation or the evidence on which it was founded.

Having subsequently learnt from public rumour, that one of the charges is a subject that forms the matter of a special grievance, to which allusion had been made in the House of Commons, I felt myself justified in calling upon the Royal Commissioners to take cognizance of it, and to inquire into the particulars connected with it.

If the results of this investigation could be circulated at the same time with the allegations to which they refer, I should count with perfect assurance on the judgment of the public; but it will be impossible for the Governor or the Royal Commissioners to afford me the opportunity of meeting the accusation until they shall have official communication of the charges. In the meantime, by the distribution of the report of the committee, of which the Assembly has ordered 500 copies to be printed, a wide circulation will be given to an accusation which, although false and unfounded, will have the effect of defaming my character as a public officer, and through me, of vilifying the Government which I serve.

In this time of political strife and excitement, men, honest and estimable in other respects, hold themselves absolved from all moral obligation in their conduct towards their political opponents. In their eagerness to crush an adversary, a committee of the Assembly has lent itself to the gratification of private revenge, and has adopted charges brought against the obnoxious individual by the rancour and malice of personal vengeance; forgetful that in profiting by the injury inflicted on him at the expense of truth and justice, they participate in the infamy of the conspiracy by which that object has been accomplished.

To the Assembly which has thus deliberately sanctioned the propagation of a slander, it would be vain to look for justice.

It is under these circumstances that an appeal to the public becomes necessary.

I do not address myself to the feelings, nor do I wish to excite the sympathies of the public; although the persecution to which I am exposed would justify me in seeking their protection; I ask only to be heard.

I shall now proceed to state and answer the charges embodied in the report of the committee, with as much succinctness as may be compatible with a proper understanding of the subject.

The first charge relates to my personal affairs solely. It states that I have been resident in Ascot since the year 1816; that I have dealt largely in land; and that I have received considerable grants of land from the Crown.

To that part of the charge which asserts that I dealt largely in land, I reply that the statement is not merely exaggerated, but absolutely false. I have not dealt largely in land; nor have I even purchased largely, and I have sold but very little. This bold and unqualified assertion of a fact, unsupported by evidence, is a specimen of the fairness and candour of the report.

In respect to the grants of land which I have received from the Crown, the public has a right to know on what grounds they were obtained; to afford this explanation, and at the same time to defeat the intention of my accusers in vilifying my private character, as well as my public conduct, I am compelled, though most reluctantly, to obtrude my personal affairs on the notice of the public. These motives must be my apology for attempting to place in the true point of view the relation in which I stood towards the Government at the time to which the attack on me has reference.

The committee, in stating that I received considerable grants of land from the Crown, would leave it to be inferred that there were no considerations to justify these grants.

They do not think proper to notice the strong claims that I had upon Government for services rendered to the Crown prior to my arrival in the colony, which alone would authorize the bounty of the Crown being extended to me.

The committee makes no mention of the fact, that the original grant of 10,000 acres of land, promised to me before my departure from Europe, but not perfected until some years after, was the condition upon which I agreed to embark my property in the enterprise; and that it was thus a matter of right, not of favour, being in truth nothing more than the completion of a bargain, for which I had paid the equivalent; neither do they make any allusion to the circumstances which appear in the correspondence submitted to the committee, which establish the injury that I sustained in consequence of the Government not performing its engagement in making the grant as promised to me on my arrival in the country; a proceeding which deprived me of some of the lands most important to the success of my settlement, that were given to absentees, who, from that day to the present, have not cleared an acre nor expended a shilling on the grants.

They omit to state, that notwithstanding the breach of the engagement on the part of the Government, the obligations undertaken by me were fulfilled to the letter, before the original promise of the Secretary of State was redeemed; that mine was a solitary instance of the conditions of residence being complied with; and that the capital brought with me was applied to the improvement of the country and the cultivation of the grants.

The next charge brought against me by the committee, is prefaced with a laboured statement, drawn up with all the skill of a practised special pleader, giving an *ex parte* and falsely coloured view of the object of my appointment as agent for Ascot; and it is followed

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by a list of persons to whom it is said that I sold lands which it was my duty to grant to them gratuitously, and that I applied the monies to my own use; some subordinate imputations follow this charge, but they all rest on the same foundation.

I must premise my reply to these allegations by remarking that, in preparing the list of persons to whom I am accused of selling land, the committee has most ingeniously and artfully mixed together the parties who obtained land from me as my labourers, with those who actually bought lands which I was entitled to sell on account of my per-centage; and that in respect to the individual facts brought in support of the accusation, some are untrue, others exaggerated, and all imperfectly stated, inasmuch as they exhibit only so much of each transaction as it suited the purpose of the committee to produce.

But even admitting the general charge in its most exaggerated form, I answer that the very few sales made for money, were of land of which I had a right to dispose on account of my per-centage; and that the others were not sales for money, but transactions with my labourers, in which not a farthing of money was paid by them, but on the contrary where money had been advanced by me to enable them to commence their settlement.

For the proof of my right to give lands to my labourers, I refer to the documentary evidence in possession of the committee; by which it will be seen that after a protracted correspondence with Government, and after the mission of one of my associates to London at a great expense, to establish my claim to the fulfilment of the expectations held out to me by the Colonial Office, a despatch from the Secretary of State authorizes me to obtain for each of my labourers the grant of 100 acres of land; subject, however, to the condition of actual residence and cultivation. The committee has omitted all mention of this authority. Is the suppression of this fact to be attributed to remissness, or design?

I shall now show in detail, some of the exaggerations and the false colouring of the statements prepared by the committee.

It is said that in February 1822, "Mr. Felton was appointed agent for the settlements of Ascot, Stoke and Hatley;" and the committee assert that "it was intended to attract settlers by the offer of a valuable premium;" this inference is wholly gratuitous and unfounded; the absurdity of the notion of attracting settlers by a valuable premium is exposed in another part of the report by the committee themselves, where they describe the duties annexed to the grant as a "laborious task;" the fact is, that at the time when I began to place my labourers on land (in 1817-18), and in that part of the province, no European settler would accept of 100 acres of land in the woods remote from a road, on condition of residence and cultivation; and it was only by making roads at a great expense and by advancing money or clearing a few acres, or setting up buildings, that I could induce my labourers at that time, or for some years after, to become settlers on land; it is true that land has since been held in greater estimation, but it appears rather unreasonable that the change of circumstances and rapid improvement of the new townships of late years, which are much owing to my exertions, should now be made the ground of charges against me.

The real intention and object of my appointment was to enable me to obtain the patents for the land which I was entitled to give to my labourers under the Secretary of State's instructions. If the order for grants to my labourers had been unconditional, I should have obtained patents for them at once, by merely presenting their names; but being qualified by the condition of settlement and cultivation, it was necessary to perform these duties before the patents could be issued; my appointment as agent was, therefore, made and accepted as the formal and official method of giving effect to these views, and the committee had the means of ascertaining this fact if their object had permitted them to make the inquiry. I made no application for the appointment; at that time I was an independent settler, intently occupied with the enterprize that I had undertaken, and not at all disposed to take office under Government: the nomination was spontaneous on the part of the Governor-in-chief; and the letter of appointment was handed to me by the civil secretary on the day after an interview, when Lord Dalhousie signified the intentions that I have described.

It was necessary, however, for the accomplishment of the committee's views, to give a different construction to my appointment, and they accordingly proceed to state that "Mr. Felton was authorized to hold out to every applicant the promise of a free grant of 100 acres of land, upon the sole condition of actual settlement, &c. and was instructed to locate each applicant by a permit of occupation, or by a document under his hand, called a location ticket." Now this is a palpable misrepresentation, intended to support the conclusion of the committee; it is evident that the committee cannot have read the documentary evidence communicated to them by the Governor-in-chief, for they must in that case have noticed that my instructions from the civil secretary, dated 2d February 1822, do not authorize the course of proceeding above mentioned; but they direct me to give location tickets only to persons presenting an order from the executive council.

The committee having prepared the ground by these misrepresentations, erect a charge against me for refusing to make grants "to some of His Majesty's natural born subjects, who professed their readiness to perform the duties of settlement;" and of "having invariably denied that he had the power of making such grants, at least in the localities selected by the settlers."

The remarks on the preceding paragraphs sufficiently explain the object of these charges; the acts complained of being in strict accordance with the instructions, but not in the sense that the committee would explain them.

In respect to having refused the choice of land in particular localities to stranger applicants, not being labourers employed by me, it is to be observed that by the Secretary of State's

State's despatch, my labourers were entitled to the land in the immediate neighbourhood of my own grants, and the lands in Ascot being nearest to me, were of course allotted to them; at the same time all other applicants were allowed as much latitude in the selection of localities most agreeable to them in any other township, as was consistent with the instructions, which direct the agent to assign the lands to them in the order of their application.

The truth is, that in the early period of my settlement, no man would take up a lot unless in very favourable situations, and with some further encouragement than the mere grant of the land.

The committee next says, "That he resorted to this subterfuge (of refusing the choice of localities) to induce applicants to purchase lands from himself."

To support this assertion the committee produce the names of three or four persons who are said to have purchased land from me after being refused free grants; but they omit to notice 150 who took up free grants in despite of this "subterfuge." No blame can attach to me for settling upon my grants, as I was bound to do, persons who preferred buying land to obtaining it gratis. It is clear that some other inducements, such as those above noticed, must have weighed with these persons, for, as purchasers, they must have been perfectly free agents.

The committee then proceeds to state that "many of the sales of land which were so made have been proved by the handwriting of Mr. Felton."

It is unnecessary to notice this remark further than to say, that none of the transactions to which I was a party were done in the dark, nor were intended for concealment, and it is at least a fair presumption that proceedings which do not shun the light are not at variance with my duty.

The committee next exhibit a statement of purchasers, lots and prices of land sold, and also a detailed history of pretended sales and other transactions; on all of which I am ready to go into the fullest inquiry; merely remarking before I leave the subject, that they have shown great dexterity in mingling together, so as to give them the air of resemblance, transactions in themselves essentially different, in the view of exaggerating the sum of complaint.

The committee has gone into very full details on the subject of the claim of a person named Johnston, and in so doing has been made the tool of professional cupidity; the business to which allusion is made having already given rise to legal proceedings, no doubt at the suggestion of one of that honourable body, is now unfairly brought before the public, *pendente lite*; it may be found, however, that the client in this case has probably withheld one important fact at least from the knowledge of his patron.

The committee then assert, that "Mr. Felton has charged and received his commission of five per cent. upon the several grants as if they had been mere locations." Now the fact is that the per centage has not yet been fully received; all that has been received is included in the statement of sales brought forward by the committee; the agent certainly having a right to transfer his interest to that extent; and under the circumstances of my settlement I supposed it to be incumbent on me to establish the lands to which I might become entitled for agency equally with others. As to the amount of the agency, it is admitted by the committee that the list of located lands, amounting to 18,060 acres, and the per-centage due thereon, were certified to be correct by the surveyor-general. This list only includes those settlers for whom patents had been made out, and upon the amount of which agency was due and entitled to patent; but as there are many locations not yet patented, for which agency is accruing (which will be entitled to patent when they are patented), my claim is still open.

Having shown the false colouring put on the evidence by the committee, I proceed to point out the object they had in view; this may be collected from the means they have adopted, which have been, first, the suppression of the contents of an important despatch: next the quotation of factitious documents falsely said to have been communicated to me; and lastly, by the omission of calling upon the surveyor-general for explanation, when they perceived the discrepancy between the fabricated documents which he furnished to the committee in 1835, and the authentic documents sent by the Governor a few days before the committee made their report. All these circumstances betray the intention of keeping out of sight my right to obtain land for my labourers, and of misrepresenting the nature and object of my nomination as agent.

It is possible, and I am willing to allow the committee the benefit of the doubt, that these omissions and suppressions proceed from ignorance of the contents of the papers furnished by the Governor; but in such case the members of the committee subject themselves to the suspicion of not having read those documents; and the report must have been framed without the knowledge of their contents.

The report indeed furnishes internal evidence of this fact, and there can be no doubt that as where there is a determination to convict, it is easy to pronounce sentence, so in this instance, the evidence has been made to suit the judgment. The public may be disposed to acquit the Assembly of any participation in such proceedings; and I am disposed to exonerate even the majority of the committee from that reproach. The Assembly, however, has lent itself to the propagation of the calumny; and the committee has been the instrument of the vindictive feelings of an individual; and it is possible that this honourable individual himself has in his turn become the tool of inferior conspirators.

The origin of the persecution against me is to be traced to feelings growing out of a contest in the election for Sherbrooke.

In the anxiety to procure votes for one of the candidates, a number of my settlers, not well

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well disposed towards him, were tampered with by an individual too contemptible to be brought before the public, to whose malice I had become obnoxious, and expectations were held out to them of obtaining, by the influence of the candidate, free grants for lands which they had acquired through me.

This expectation was founded on the circumstance of the names of the parties being inserted in the patents in the manner I have before explained; and the persons who were thus tempted, being cautiously withheld from communicating with me on the subject, acted under the delusion and voted accordingly.

To redeem the promises made to these people, it was necessary to make out the case at which the committee has laboured, but this could not be accomplished without the assistance of the public officer in whose custody all the documents connected with it were supposed to be lodged.

This officer, whose flagrant negligence and irregular proceedings will entail ruin on many who fancy themselves in the secure possession of goodly farms, and which had necessarily and frequently become the subjects of animadversion from me in the discharge of my official duty, is known to have been early occupied in his office with an honourable member of the committee and another practitioner at the bar, in selecting materials to support this accusation; the result has been the communication to the committee of the Assembly, which sat in February 1835, of fabricated papers, which had never been sent to me as they pretend, and the suppression of a document which would have distinctly shown the true character of all the transactions as I have described them. This document is the account of fees rendered to the surveyor-general in October 1824.

It is possible that the honourable member of the committee was not aware of this circumstance at the time, but the communications since made from the Governor refer to it in such manner as to make it imperative on the committee to have called upon the surveyor-general for explanation.

Having answered the charges brought against me in my capacity of agent for the townships, I shall proceed to explain some points in a charge of more serious character, in which an attempt is made to inculcate the late administration. It is stated "that with the knowledge of the determination of His Majesty's Government to restrict the grants (to Mr. Felton's children) to one-third of the land for which he had applied, Mr. Felton, availing himself of his official character, in effect represented that he was entitled under the despatch in answer to his petition to the whole amount claimed; and it is a fact that he procured letters patent to pass the great seal, conveying to him the whole number of acres which he had claimed;" and "Mr. Felton thus knowingly and fraudulently exacted and received a grant of 10,000 acres more than it was intended to convey to him, and he retains it to this day."

Now the whole of the first part of this statement is a misrepresentation of facts. My petition was presented to Sir James Kempt before the despatch from the Secretary of State was received; Sir James referred to the Secretary of State, and I took no further steps whatever to forward the patents after presenting my petition. All the proceedings subsequent to the receipt of the despatch conveying the refusal of the Secretary of State to grant the larger quantity of land, were made by the civil secretary of Sir James Kempt, without reference to me. These circumstances are so fully detailed in the correspondence submitted to the Assembly, that it is surprising that the committee could hazard assertions so completely at variance with them.

The charge of "fraudulently receiving a grant" cannot surely apply to the case wherein the party could exert no agency nor influence over the proceedings. The fact is, that during the administration of Sir James Kempt, I had no official charge of any of the proceedings relating to the preparation of patents; and it was not until I was called upon for payment of the fees that I became aware that the draft of the patent had reached the Provincial Secretary's office. If I could by any possibility have had any influence in preparing patents, different from the intentions of the Governor, it must have been with the connivance of the Attorney-general. The Honourable James Stewart was Attorney-general at that time, and, if necessary, the testimony of that gentleman could be brought to show that he received the order from the Civil Secretary (Col. Yorke), and that he returned the draft, when prepared, to that officer, by whom it was sent for engrossing, to the secretary of the province.

In respect to the lands being yet in my possession by the omission of the late administration to issue a writ of *scire facias*, I can only say that I offered no resistance to the measures that the Government thought proper to adopt; the King's Attorney-general most probably saw good cause for not adopting the course pointed out by the committee; and the subsequent proceedings are all of a character to preserve the public interests, and give full effect to the instructions of the Secretary of State.

In conclusion, I must observe that the public being now in possession of the correspondence relating to this transaction, will, by comparison of the facts therein stated, be enabled to appreciate the spirit and the misrepresentations which pervade the report.

Quebec, 25th Jan. 1836.

William B. Felton.

Enclosure No. 3, in Despatch from the Earl of Gosford, dated 12 May 1836.

TO His Excellency the Right Honourable Archibald, Earl of Gosford, &c. &c. &c.

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respecting
Mr. Felton.

May it please Your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Lower Canada, in provincial parliament assembled, humbly approach your Excellency for the purpose of representing:—

That after a full, calm and dispassionate investigation of the charges brought against the Honourable William Bowman Felton, in his public character as agent for the settlement of the townships of Ascot, Eaton, Hatley, Orford and Stoke, and after having received and maturely weighed the multitudinous and irrefragable evidence adduced in support of those charges, the conviction has been irresistibly forced on us, that the said Honourable William Bowman Felton has grossly, dishonestly and oppressively abused the confidence reposed in him by His Majesty's Government, and is unfit to hold office under the Crown.

Because it is established by evidence under the hand of the said Hon. William Bowman Felton himself, explained and elucidated indeed by other and conclusive testimony, but sufficient in itself alone to establish all the facts alleged in the said charges: That the said William Bowman Felton has been guilty of oppression, speculation and extortion, by abusing the powers entrusted to him in relation to the waste lands of the Crown; that he falsely and fraudulently represented himself to be the proprietor of a great extent of those lands to which he had no manner of right; that he falsely and fraudulently denied that such lands could be gratuitously granted to divers settlers who applied for and were entitled thereto upon the mere performance of the settling duties, and concealed from them that it was his bounden duty to make such grants; that he corruptly and oppressively exacted and received from the said settlers, applying for and entitled to gratuitous grants, large sums of money as the price of land which he sold as belonging to himself, which was in fact the property of the Crown, and of which he was by his office bound to procure them gratuitous grants; and that he knowingly and fraudulently exacted and received from His Majesty's Government a grant of 10,000 acres more than it was intended to convey to him; and that he designed to retain the same, although it would appear that he was subsequently compelled to make some kind of restitution.

We further submit for the consideration of your Excellency, a copy of the report of the special committee by whom the investigation was conducted, and of the evidence taken by them; and we beg leave respectfully to solicit your Excellency's attention to the serious nature of the charges against the said Hon. William Bowman Felton, and the indubitable evidence by which they have been supported and proved.

Wherefore we humbly pray that your Excellency will render manifest to the people of this province, that honesty and good faith are among the essential requisites of fitness for public office under His Majesty's Government, by forthwith removing the said Hon. William Bowman Felton from all offices of honour or emolument which he may hold by commission during pleasure.

(signed) *L. J. Papineau*, Speaker of the House of Assembly.

House of Assembly, Quebec, 19th February 1836.

Ordered, that Mr. Gagy, Mr. Blackburn, Mr. Moore, and Mr. Baker do present the said address to his Excellency the Governor-in-chief.

Attest.

(signed) *Wm. B. Lindsay*, Clerk of the Assembly.

Enclosure No. 4, in Despatch from the Earl of Gosford, dated 12 May 1836.

Gentlemen,

I AM sensible of the seriousness of the charges which accompany this address, and of the weight of the evidence adduced in support of them; but until the party accused shall have offered his defence, which he has been called upon to furnish without delay, the time is not arrived when a conclusion can, with propriety, be adopted by the Government. Some of the accusations appear to me to contain allegations of fraud, requiring the decision of a court of justice, and I shall take the opinion of my responsible legal advisers on the subject. Upon obtaining their report, and as soon as the required explanation from the accused shall be received, I will not fail to take the best means in my power for obtaining a just and speedy determination of the case.

Castle of St. Lewis, Quebec, 1st March 1836.

Enclosure No. 5, in Despatch from the Earl of Gosford, dated 12 May 1836.

Sir,

Montreal, 5th March 1836.

WE have been honoured with the commands of his Excellency the Governor-in-chief, signified in your letter of the 2d March instant, expressing his Excellency's desire to obtain as soon as possible the opinions of the law-officers of the Crown upon the charges preferred by the House of Assembly against the Hon. William Bowman Felton, for which purpose you transmitted to us a copy of the address received by his Excellency from the House of Assembly, his Excellency's answer thereto, and the report of the special committee, upon which the address is founded.

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His Excellency being desirous, as stated in your letter, that this matter should be brought to a just and speedy determination, has been pleased to require our opinion, whether, upon the case as exhibited in the report and evidence submitted to us, there are any, and what grounds for sustaining a public prosecution or other legal proceedings against Mr. Felton. We have therefore perused the documents so transmitted, and considered the charges preferred against Mr. Felton, and the evidence adduced in support of them.

Without entering upon the delicate question as to the weight to be given to evidence not taken under oath, we would respectfully state as our opinion, that taking the evidence to be such as would be received by a grand jury, there are grounds set forth in the report and in the documents brought forward in its support, for a criminal prosecution of Mr. Felton as a public officer for selling lands as his own, which it is said belonged to the Government, for effecting the settlement of which lands he was entitled to and did claim and receive from the Government suitable remuneration.

From the want of any other constitutional tribunal for the trial of such offences, we can only advise his Excellency to come to an investigation of the conduct of Mr. Felton through indictment before the Court of King's Bench, having criminal jurisdiction; but we beg leave to bring under the consideration of his Excellency, that in pursuance of the course usually followed in the exercise of our official duties, we do not institute any criminal prosecution without a formal accusation, founded upon depositions taken under oath, unless His Majesty's Government be pleased to command the presentation of an indictment without preliminary evidence of that nature.

We have, &c.

(signed) *C. R. Ogden*, Attorney-general.
M. O'Sullivan, Solicitor-general.

Stephen Walcott, Esquire.

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 2 July 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th May, transmitting the second Report of the Standing Committee of Grievances, and various other documents connected with the charges which have been brought against Mr. Felton for extortion and peculation in his office of agent for the settlement of various townships in Lower Canada. I have to express my approbation of the measures adopted by your Lordship for subjecting Mr. Felton's conduct in this matter to the test of a judicial inquiry, but until the result of that inquiry shall be known, I shall of course abstain from expressing any further opinion on the subject.

I am, &c.

(signed) *Glenelg*.

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 14 June 1836.

WITH reference to my despatch of the 12th ultimo, wherein I informed your Lordship, that acting upon the opinion and advice of the law officers of the Crown, I had directed a special commission of oyer and terminer to issue for the trial of such of the charges preferred by the House of Assembly against Mr. Felton as might be found to be susceptible of a legal investigation, I have now the honour to acquaint your Lordship that this proceeding will not take place.

It appears from a subsequent report of the Attorney and Solicitor General that the ground on which they conceived that a public prosecution could be maintained against Mr. Felton, was the circumstance of his having, as stated in the report of the special committee of the House of Assembly, actually received 913 acres of land claimed by him for agency in settling the townships mentioned in the report; whereas it is found on investigation that no letters patent have yet been issued conveying to Mr. Felton a title to this land, and in the opinion of the law officers this fact subverts the supposed ground for a criminal prosecution. On learning this, I again called on them to state whether, assuming to be true the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them, there existed any ground on which a legal prosecution could be maintained against him for obtaining money under false pretences, or for selling for his own benefit land which under

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Nos. 7 & 8.

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under his instructions as Government agent he ought gratuitously to have assigned to those who applied for it. This question was answered in the negative; and having thus ascertained that none of the charges against Mr. Felton were cognizable by a court of law, I determined at once to take the whole case into my own hands, and after affording to that gentleman the most ample opportunity for explanation, to adopt such measures as the true nature of the transactions might require; for I conceive that the mere circumstance of no letters patent having been issued, does not in any degree affect the moral character of the question.

I should acquaint your Lordship that Mr. Felton has transmitted to me the explanation which I had called upon him to furnish, a copy of which I now enclose; but as it was prepared under the impression that a criminal prosecution was hanging over him, he may not have deemed it advisable to make so complete and unreserved an exposition of his case as he might have wished to offer had no legal proceedings been in contemplation. I thought it but just, therefore, before coming to any decision, to afford him an opportunity of supplying any observations and proofs which the apprehension of a trial at law may have induced him to withhold. On receiving his answer, I shall give the case my immediate and most attentive consideration, and your Lordship shall receive the earliest intimation of the opinion I may form, and of the steps which I may conceive it proper to adopt in this matter.

In the meantime I have the honour to transmit for your information copies of the various official communications, 12 in number, that have passed on this subject since the date of my despatch of the 12th ultimo, and I trust that the course I have pursued will be found to be in unison with the views of His Majesty's Government, as expressed in your Lordship's despatch of the 5th ultimo, No. 79, which reached me yesterday.

I have, &c.
(signed) *Gosford.*

Enclosures, Nos. 1 to 12, in preceding Despatch.

No. 1.

Enclosures,
Nos. 1 to 12.

Sir,

Castle of St. Lewis, Quebec, 31 March 1836.

THE Governor-in-chief being very desirous that such of the charges preferred by the House of Assembly against public officers as are capable of a legal investigation, and are cognizable within the district of Three Rivers, should be proceeded upon with the least possible delay, his Excellency has commanded me to request you to prepare the necessary commission to convene a court of oyer and terminer and general gaol delivery, to be held at Three Rivers; and as he understands that for various public reasons it cannot conveniently be called together at an earlier period than the 21st of May next, he has directed me to fix that time for assembling the court; and it is his wish that you should avail yourself of that opportunity to proceed in the matters connected with the Indian Stream outrages.

I have, &c.

To the Attorney-General,
Quebec.

(signed) *S. Walcott*, Civil Secretary.

No. 2.

Sir,

Castle of St. Lewis, Quebec, 10 May 1836.

REFERRING to my letter of the 31st of March last, I have now the honour to inform you that it is the desire of his Excellency the Governor-in-chief that in preparing the commission therein mentioned for convening a court of oyer and terminer, you will insert the names of all the judges of His Majesty's Court of King's Bench in this province, of whom not less than two may form a quorum, and state that the court will be held within the district of Three Rivers generally, leaving the appointment of the time and place of meeting to the judges.

I have, &c.

To the Attorney-general,
Quebec.

(signed) *S. Walcott*, Civil Secretary.

No. 3.

Sir,

Quebec, 12 May 1836.

HAVING been honoured with your letter of yesterday's date, conveying to me the commands of his Excellency the Governor-in-chief, informing me that it is the desire of his Excellency that in preparing the commission therein mentioned for convening a court of oyer and terminer, I should insert the names of all the judges in this province, of whom not less than

Enclosure, No. 10.

Enclosure, No. 11.

Enclosure, No. 12.

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two may form a quorum, and to state that the court shall be held within the district of Three Rivers generally, leaving the appointment of the time and place of meeting to the judges. Before giving effect to the commands of his Excellency I deem it to be my duty to bring under his Excellency's notice certain considerations connected with the report which I had, in conjunction with my learned friend the solicitor-general, the honour to make, on the 5th March last, wherein we stated that taking the evidence to be such as would be received by a grand jury, there were grounds set forth in the report of the Assembly, and in the documents brought forward in its support, for a criminal prosecution of Mr. Felton as a public officer, for selling lands as his own which it is there said belonged to the Government, for effecting the settlement of which lands he was entitled to and did charge and receive from the Government suitable remuneration, to wit, a commission of five per cent. As the report of the committee of the Assembly is silent as to where it was that Mr. Felton made this claim of five per cent., to wit, for 913 acres of land, it becomes important, before the commission of oyer and terminer issues for the district of Three Rivers, to ascertain this fact, and if in writing (by letter or otherwise), that I should be furnished with it, as also with a copy (certified) of the letters patent, making the grant to Mr. Felton of the 913 acres in question.

I have, &c.

Stephen Walcott, Esq.,
Secretary, &c. &c.

(signed) C. R. Ogden, Attorney-general.

No. 4.

Sir,

Castle of St. Lewis, Quebec, 20 May 1836.

Sic.

I AM directed by the Governor-in-chief to request you to report forthwith, for his Excellency's information, whether any and what steps have been taken upon a reference granted by order of his Excellency, Lord Aylmer, on the 24th of June 1834, authorizing letters patent to be prepared, granting to Mr. Felton 913 acres of land, on his petition of the 30th of May 1834; and if no steps have been taken, I am now to request you to state the reason of the omission.

I have, &c.

To the Surveyor-general,
Quebec.

(signed) S. Walcott, Civil Secretary.

No. 5.

Sir,

Surveyor-general's Office, Quebec, 20 May 1836.

Sic.

IN obedience to the commands of the Governor-in-chief requesting me to report forthwith, for his Excellency's information, whether any and what steps have been taken upon a reference granted by order of his Excellency, Lord Aylmer, on the 20th June 1834, authorizing letters patent to be prepared, granting to Mr. Felton 913 acres of land, on his petition of the 30th of May 1834; and if no steps have been taken, to state the reason of the omission.

I have the honour respectfully to state, for the information of his Excellency, that there has been no omission on the part of this office; that the delay which has occurred in the preparation of the usual appropriations upon the above reference arises from there being no lots selected or specified in the petition alluded to of the 30th May 1834, nor in the reference, although it has been named to Mr. Felton in this office, to furnish a specification to that effect, which he has always neglected to do, and consequently the proceedings upon the reference in question have been unavoidably protracted, with the perfect knowledge of Mr. Felton.

I have, &c.

Stephen Walcott, Esq.,
Secretary.

(signed) Jos. Bouchette, Surveyor-general.

No. 6.

Sir,

Castle St. Lewis, Quebec, 20 May 1836.

WITH reference to your letter of the 12th inst., desiring to be informed where Mr. Felton made his claim for 913 acres of land for his remuneration by way of commission for effecting the settlement of lands, and also the particulars of the patent granting these 913 acres to Mr. Felton, I have now the honour to acquaint you that his petition for the lands for his commission is dated Quebec, 30th May 1834, and the enclosed copies of my letter to the surveyor-general on the subject, with his answer, show that no letters patent have yet issued for that claim.

I have, &c.

The Attorney-general.

(signed) S. Walcott, Civil Secretary.

No. 7.

Sir,

Montreal, 30 May 1836.

I HAD the honour to receive your letter of the 20th inst., as I was leaving Quebec for this city, acquainting me, in answer to my letter of the 12th May, addressed to you, requesting
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to be informed where Mr. Felton made his claim for 913 acres of land as a per-centage, and to be furnished with a copy of the letters patent conveying the same to him,—that no letters patent had yet issued for that claim; and I now beg leave to inclose, for the information of his Excellency the Governor-in-chief, a joint report of the solicitor-general and myself, to which the fact of no letters patent having been issued has given rise, and which, I humbly presume, will lead his Excellency to consider the convening of a court of oyer and terminer for the prosecution of Mr. Felton, as directed by your letters of the 31st March last, and the 11th of May instant, as inexpedient.

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I have, &c.

(signed) C. R. Ogden, Attorney-general.

S. Walcott, Esq., &c. &c. &c.

No. 8.

Montreal, 30 May 1836.

Sir,
HAVING, with reference to your letter to the attorney-general of the 20th instant, reconsidered the opinion which, in obedience to the commands of his Excellency the Governor-in-chief, we had the honour to transmit to you on the 5th March last, wherein we stated that, taking the evidence reported by the special committee of the Assembly instructed to prosecute the inquiry into the public character and conduct of the Hon. W. B. Felton, to be such as would be received by a grand jury, there were grounds set forth in the report, and in the documents brought forward in its support, for a criminal prosecution of Mr. Felton as a public officer, for selling lands as his own, which, it is said, belonged to the Government, for effecting the settlement of which lands he was entitled to and did claim and receive from the Government suitable remuneration; we have now the honour to report, for his Excellency's information, that the fact communicated by you in your letter of the 20th inst., that no letters patent have been issued conveying to Mr. Felton the 913 acres of land claimed by him as his per-centage, and which it is stated in the report of the special committee "he received," subverts, in our opinion, the supposed ground for a criminal prosecution of Mr. Felton.

We have, &c.

(signed) C. R. Ogden, Attorney-general.

M. O'Sullivan, Solicitor-general.

S. Walcott, Esq., Civil Secretary.

No. 9.

Castle, St. Lewis, Quebec, 8 June 1836.

Gentlemen,
WITH reference to your joint report of the 30th in Mr. Felton's case, wherein you state that the fact communicated in my letter of the 20th ult., that no letters patent have been issued conveying to Mr. Felton the 913 acres of land claimed by him as his per-centage, subverts in your opinion the supposed ground for a criminal prosecution of Mr. Felton; His Excellency the Governor-in-chief has commanded me to request that you will state for his information whether, assuming to be true the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them contained in the 2d report of the standing committee of grievances, there exists any ground on which a legal prosecution by the Government could be maintained against that gentleman for obtaining money under false pretences, or for selling for his own benefit land which, under his instructions as Government agent, he ought to have settled without asking and receiving from those who demanded it, any remuneration as the price of such land.

I have, &c.

The Attorney and Solicitor General.

(signed) S. Walcott, Civil Secretary.

No. 10.

11th June 1835.

Sir,
WE had the honour to receive your letter of the 8th inst., conveying to us the commands of his Excellency the Governor-in-chief that we should state, for his information, whether, assuming to be true the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them contained in the 2d report of the standing committee of grievances, there exists any ground on which a legal prosecution by the Government could be maintained against that gentleman for obtaining money under false pretences, or for selling for his own benefit land which, under his instructions as Government agent, he ought to have settled without asking and receiving from those who demanded it, any remuneration as the price of such land.

In obedience to his Excellency's commands, we have the honour to report that assuming as true, with the modification produced by your letter of the 20th ult., the charges preferred by the House of Assembly against Mr. Felton, and the evidence and documents adduced in support of them, as contained in the 2d report of the standing committee of grievances, we think that they do not establish a case within the statute 30 Geo. 2, c. 24; and we are therefore humbly of opinion that there exists no ground on which a criminal prosecution could

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could be maintained against that gentleman for obtaining money under false pretences. The persons who have been wronged have a civil remedy for the redress of the injury they have sustained.

We have, &c.

(signed) C. R. Ogden, Attorney-general.
M. O'Sullivan, Solicitor-general.

The Civil Secretary.

No. 11.

Sir,

Quebec, 16 May 1836.

In obedience to the commands of his Excellency the Earl of Gosford to furnish such remarks as I might wish to offer on the report of a committee of the Assembly called "The Second Report of the Committee of Grievances," I have the honour to submit the following observations:

The report charges me in general with oppression, speculation and extortion, and alleges first, "that I falsely and fraudulently represented myself to be the proprietor of a great extent of Crown lands to which I had no manner of right." Secondly, "that I falsely and fraudulently denied that such land could be gratuitously granted to divers settlers who applied for the same, and were entitled thereto upon the mere performance of the settling duties; and concealing from them that it was my bounden duty to make such grants;" and thirdly, "that I corruptly and oppressively exacted and received from the said settlers applying for gratuitous grants large sums of money as the price of the land, of which I was by my office bound to procure them gratuitous grants."

To these charges I answer, 1st, that the first allegation which accuses me of representing myself to be the proprietor of lands to which I had no right is wholly untrue, and is a perversion of the fact, which is simply that I represented myself as being entitled to assign land to any person working for me, who was desirous of settling in the country, a right which I shall presently show is supported by documents in the possession of the Assembly, but which they have wholly omitted to notice. 2dly, That I am ready to admit so much of the second allegation as states that I "denied that such land could be gratuitously granted to all applicants;" and to the charge of "concealing that it was my bounden duty to make such grants," I reply that if the committee had read over the instructions communicated to me instead of the factitious paper delivered to them by the surveyor-general, they would have perceived that I was directed to make grants, not to all applicants, but to such persons alone who produced an order from Government to that effect; and, 3dly, that to the charge "of exacting from the said settlers applying for gratuitous grants large sums of money as the price of land, of which I was by my office bound to procure them gratuitous grants," I answer, that I did not receive from any person to whom I was bound as agent to make gratuitous grants any money or other consideration beyond the fee of 7 s. 8 d. collected at the request of the surveyor-general, from those persons to whom location-tickets were issued by me in my capacity as agent; and the amount of which was duly paid over and accounted for to him.

These allegations are founded on the assumption that I was acting in the execution of an official duty, the dereliction of which constitutes the gravamen of the charge preferred against me; it also appears from the preliminary observations of the report that the official capacity attributed to me, and to which they would limit and restrict my functions, is that of "agent for settling" certain townships; whereas, in truth, my appointment as agent was made in the view of giving effect to an order from the Secretary of State, directing the Governor to assign land to my labourers under certain conditions; and the instructions which I received from the civil secretary (not from, nor through the surveyor-general) do not authorize the granting of land to other persons than such as produced orders from the executive council. But it must be admitted that the documents exhibited by the committee, and appended to the report, if they were all authentic, and in the absence of the other documents which are designedly omitted, would establish those allegations conclusively; and if I had been merely, as they would represent, an agent for assigning land to all applicants, and if all the documents printed in the appendix had really been communicated to me as the rule for my guidance as such, then there would have been some foundation for the charges brought against me. But part of the documents exhibited in support of these assumptions are factitious; and the documents which would have afforded a correct view of the subject have been withheld or suppressed. On the one hand, certain papers are introduced, which it is pretended are copies of instructions, and supplementary articles given to me as agent, but which in fact were not at any time communicated to me; these factitious papers, marked in the report Nos. 1, 2, & 5, were delivered to the Assembly by the surveyor-general on the 11th March 1835. On the other hand, a return or statement of fees paid to the surveyor-general on the 24th October 1824, which he was bound to produce, has been suppressed by that officer; and the authentic copy of the letter of appointment and instructions from the civil secretary to me as agent, transmitted by my Lord Gosford in the session of 1836, is omitted; as likewise the correspondence between the Secretary of State and the local government, relating to the expectations which I had been led to entertain, and the encouragement intended to be afforded me on settling in the colony, which was also transmitted by his Excellency at the same time.

It is necessary to enter into these details respecting the omission of the correspondence and the insertion of the unauthentic papers, because the report circulated with so much diligence (500 copies of it being printed for distribution), is calculated to make an impression wholly

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wholly at variance with the truth, even on the minds of the members of His Majesty's Government unacquainted with the parties by whom it was concocted; and because the facts which I have now stated show the animus with which the whole proceeding has been conducted; no doubt can be entertained on this point when it is recollected that the member of the Assembly who drew up the report is the same person who, in conjunction with an American resident in the township, to whom I was obnoxious, misled my settlers into the belief that they had been defrauded, in order to seduce them into giving him their votes at the election of a member for the county of Sherbrooke, under the promise of obtaining compensation from me and of procuring patents from the Crown through his influence, and that the same person selected the papers necessary for his purpose in the office of the surveyor-general, and afterwards presided in the committee and examined the witnesses in support of the accusation. I shall hereafter have occasion to comment on the participation of the surveyor-general in this conspiracy.

But divesting these allegations of technicalities, and of their intentional exaggerations, the crime imputed to me is, in substance, that I received money from persons to whom I was bound to make gratuitous grants, and applied the money to my own use; the charge of refusing to make grants, or concealing that I had the power to do so, scarcely meriting attention.

It is not my desire to make use of any subterfuge or evasion in meeting this imputation. I desire that every act of mine shall be fully known, and my conduct strictly scrutinized, and for this purpose I am disposed to make more ample admissions than can in strictness be expected from a party under accusation; and I do so in the confidence that my candour will command a dispassionate consideration of the circumstances under which I acted, and which I doubt not will fully justify all my proceedings. It will be perceived, on examining the report, that the persons who are brought forward in support of the charge of obtaining money from them are my labourers, or men who have worked in my employment; it will also be noticed that they form an inconsiderable portion of the numbers to whom land was assigned without any compensation, and that they bear a still smaller proportion to the multitude of my labourers who would not accept of land. No allusion whatever is made to these circumstances, nor are any facts exhibited in extenuation or in explanation of the transactions commented upon in the report; and the examinations of the witnesses as detailed in the appendix, proves either that no questions were put to them to elicit the truth in explanation of the transactions between us, or that if the answers were given, they have been suppressed; the report simply states that the witness, being interrogated, he answered generally. Towards the end of the inquiry, when the public reprobation of this inquisitorial procedure was manifested, one of the members of the committee caused some questions to be put to the two last witnesses (*vide* the examinations of D. Weir and Wm. Dodds) which produced answers so unfavourable to the views of the conspirators, that they were entirely suppressed, and replies more suitable to their designs were substituted; these facts have been substantiated by an inquiry before the Assembly, where the fraud was very ingeniously attributed to mistake: nevertheless the report founded on this mistake is given to the public as being supported by evidence; whereas the only evidence that was fairly obtained confutes the whole of the charge brought against me, for it proves that the compensation which the last witness had agreed to pay to me, but which he has not yet paid, was merely the value of the improvements on the lot at the time of his taking possession; these improvements, consisting of eight acres of land cleared, with a Canadian squared-timber dwelling-house, were made several years before and at my expense. The truth is, that in most instances the lands assigned to my labourers were given to them free of all expense, as I did not consider them bound to pay fees; and it was only in cases wherein I had previously expended money in improvements, or wherein the lots given up had been set apart as a portion of my own grant, that I ever received any kind of compensation, which was usually in labour performed, either when the parties were actually serving with me as labourers on wages, receiving at the same time boarding and lodging at my expense, or in spare times and at their own convenience, in making roads or other works of public utility.

I have already stated my nomination as agent was made to give effect to an instruction from the Secretary of State authorising the grant of land to my labourers, under certain conditions; and in order to explain more fully the object of the appointment, and the intentions of His Majesty's Government at home, as shown by the despatches and correspondence, I submit a sketch of the circumstances attending my establishment in this colony antecedent to the communication from the Secretary of State of the 7th December 1816.

In the year 1814 I resigned the post of agent-victualler at Gibraltar, a permanent situation with a liberal salary, to which I had been appointed, in reward of my services as agent-victualler to the fleet in the Mediterranean, under Lord Exmouth, in order to obtain the office of consul-general in Tuscany, to which, at the instance and on the recommendation of Lord Exmouth, I had the honour of being nominated by his Excellency Lord William Bentinck, then commanding the forces in Italy. In the winter I repaired to London to solicit confirmation to the post, but without success, for Lord Castlereagh, who held the Foreign-office, refused to sanction any of Lord William Bentinck's appointments. Under this disappointment, I was persuaded to turn my views to a settlement in one of the colonies; and being supported in my application by Lord Exmouth, I addressed myself to the Earl Bathurst, then Secretary of State, for a grant of land from the Crown. As the Colonial-office would not consent to recognise the principle of that department making compensation for services rendered under other departments of Government, I could not obtain

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a grant on that account; and I therefore submitted, for Earl Bathurst's consideration, a proposal to embark a capital of 20,000 £, with an engagement to reside upon the grant, on condition of receiving 10,000 acres of land for myself, and 1,200 acres for each of my associates. His Lordship having been satisfied that I possessed the necessary means, was pleased to entertain my application favourably, and I obtained the promise of a grant to the extent above mentioned.

Relying on the verbal assurance given me to that effect, I left London for Italy, and embarking my family at Leghorn, I arrived in Canada in August 1815. One of my associates, who remained in London for the purpose, was the bearer of Earl Bathurst's despatch to Quebec. On my arrival I had the mortification to learn that, instead of 10,000 acres, the Governor was directed to assign to me only 2,000. Immediately on ascertaining the discrepancy between the promise made to me and the contents of the despatch, I addressed a letter to Sir Gordon Drummond, stating explicitly that I had been led to expect a grant of 10,000 acres as the condition on which I had come out; and in a subsequent communication, I referred to certain gentlemen in the Colonial-office who were cognizant of the negotiation and of the terms of the agreement. These letters were transmitted by the Governor on the 22d September 1815, and on the 9th December following Earl Bathurst replies, "that as the instructions conveyed to Sir Gordon Drummond were drawn up after communication with Mr. Hamilton on the subject, his Lordship could not sanction any further grant until that already made shall be so far advanced in cultivation as to authorise such an addition." Pending this reference, I took up my grant for 2,000 acres, and I requested that reservation might be made of the quantity that I claimed in the vicinity of my grant; to which Sir Gordon Drummond was pleased to accede; but on receiving Earl Bathurst's reply above recited, his Excellency, who appears to have considered the decision as final, and adverse to my pretensions, allowed Major Loring, the civil secretary, and a Colonel Fulton, to select the best of the lots reserved for me; thus depriving me of many that adjoined my improvements, and that were most important to the success of my settlement.

Feeling most acutely the injustice of these proceedings, and determined to assert my claim, I dispatched one of my associates to London in the spring of 1816, to represent my case to the Secretary of State. The result of this appeal was, that Earl Bathurst, in a despatch dated the 7th December 1816, conveyed instructions to Sir John Sherbrooke to grant me 3,000 acres, in addition to the 2,000 already assigned to me; to give 700 acres to each of my associates, in addition to the 500 before granted; and further, to assign to such of my labourers as might "be desirous of becoming settlers on their own account, 100 acres each, in the same neighbourhood, under the usual conditions of residence and cultivation." The despatch also directs the Governor to resume the lands granted to Major Loring and Colonel Fulton to the injury of my establishment.

It is now important to understand the real bearing of this despatch on the question at issue; and to collect the intentions and the object contemplated by the Secretary of State. Viewed in connexion with the despatch of the 9th December 1815, which was written in reference to my positive assertion that I had come out on the faith of Earl Bathurst's promise to grant me 10,000 acres of land, the fair construction is, that it is an absolute admission of the truth of my assertion, and, consequently, is a tacit recognition of my claim to its fullest extent. If I had falsely stated facts so important, and in a manner to be misunderstood, it cannot be supposed that Earl Bathurst would have hesitated to give a positive denial to my assertions; and it is not probable that any subsequent application on my part would have been entertained with the favour that my requests, grounded on this claim, actually experienced. That a more direct admission of my right to the full extent was not made in either of the despatches, may be attributed to the change of views which the Government had adopted in respect to the system of making extensive grants in the colonies. It is probable that the Secretary of State may have considered that the literal performance of the promise held out for my encouragement would be inconvenient, as a precedent at variance with the regulations which it was desirable to enforce; but it cannot be doubted that the Colonial-office was convinced of my having made out my right to the full measure of that encouragement.

The despatch concedes to my associates the whole amount claimed for them, viz., 1,200 acres each, but it leaves me with the deficiency of one half; for I had received only 2,000 acres under the original order, and the present despatch authorises only 3,000 acres in addition, thus falling short of the quantity to which I was entitled by 5,000 acres. Under these circumstances, there does not appear to be any presumption in assuming that the order for granting land to my labourers was intended for my special benefit, in part compensation of the disappointment, and consequent inconvenience, to which I had been exposed. In this light I received it. I had never receded from the assertion of my right, even when the local government had acted upon the unfavourable construction put on the despatch in answer to my remonstrance; and most assuredly it could not be expected that I should relinquish my claim after the virtual admission of its validity in this despatch.

The immediate effect of these instructions was the surrender of the lands granted to Major Loring, in exchange for other lands assigned to me; and the understanding on the part of the local government that none of the lands in the neighbourhood of my grant should be disposed of without my consent; but the lands granted to Colonel Fulton, being under patent, could not be resumed, and they have continued to this hour an obstacle to my improvements, interposing a barrier of wilderness between my settlement and the waters of the Magog River.

At this epoch, and for many succeeding years, the enterprise in which I was engaged

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was viewed by the experienced residents in the colony as hopeless and ruinous, undertaken in ignorance of the difficulties to be overcome, and only to be justified by the assurance of the support and protection of Government. These disadvantages were fully appreciated by the local authorities, and, in consequence, the protection of the colonial administration was liberally extended to me; and amongst other favours, the lands around my settlement were faithfully preserved for the location of my people. The subsequent development of the natural advantages of that part of the province, improved communications and increased population, results in great measure of my sacrifices and exertions, are proofs that the bounty of the Crown was not misapplied.

I proceed with the narration of events after this period. In the course of the five years succeeding the date of the despatch, that is, from 1817 to 1822, I was unremittingly engaged in the prosecution of my enterprise, and in the course of that time I established many of my labourers on the lands in my neighbourhood; and here I must remark that the evidence annexed to the report would make it appear that some of the witnesses had applied to me for gratuitous grants during this interval; and it is imputed to me as a crime that I refused them: now, according to the showing of the report, my authority for making such grants was derived from my office as agent, but I did not receive that appointment until the month of February 1822; whereas, the transactions with my labourers, to which the evidence refers, took place in 1819.

In the month of January 1822 I applied to the civil secretary for patents for divers of my settlers. At this time the local government had adopted a new system in respect to the disposal of Crown lands, intended to enforce the duties of settlement and cultivation, and to facilitate the location of poorer settlers. All applicants for gratuitous grants having obtained an order from the executive council, were referred to an agent in the township, by whom they were furnished with location tickets, describing the lots assigned to them. On presenting this ticket, with a certificate from the agent of the performance of the settlement duties, the formal grant by patent under the great seal of the province was issued in their favour. On referring to the authority for assigning land to my labourers, the civil secretary was of opinion that the conditions of residence and cultivation required to be certified previous to the issue of the patents; and in order to effect this object in a formal manner, and at the same time to preserve my rights, he suggested that I should take upon myself the office of agent for the townships in which my labourers were placed. Lord Dalhousie, in my presence, gave his sanction to this suggestion, and directed my nomination to be made out accordingly. I acquiesced in this arrangement, because it was to me a matter of indifference whether the patents issued before or after the performance of the conditions of cultivation; but in accepting the office of agent, I by no means understood that it entailed any sacrifice of my right in respect to the nomination of my labourers; so far from that being the case, I had every reason to believe that my Lord Dalhousie contemplated the extension rather than any restriction of the indulgence granted me by the Secretary of State.

If any other person had been appointed agent, his function in respect to my settlers, who had occupied land previous to his appointment, would have been limited to certifying to the performance of the required duties; this office being filled by me, made no change in the relations subsisting between me and my labourers at that time; all the arrangements between my settlers and myself were predicated on the right of obtaining grants under patent for each of the persons whom I nominated as my labourers immediately upon making application, without the preliminary performance of settling duties; for such is the course observed with respect to all other persons presenting orders from the Secretary of State, who obtain their grants under patents in which the prescribed conditions are embodied. My right of nomination remained in full force, and the arrangements which my labourers found it their interest to enter into with me prior to the nomination were matters in which no person but the parties had any concern. All that the Government, or the agent acting for Government could require, was proof that the nominees were actually my labourers; and being satisfied in this particular, the land was assigned to them as a matter of course.

On reviewing these considerations, they appear to establish the following points, viz.: That at the time of writing the despatch of the 7th December 1816, the Secretary of State virtually admitted the truth of my representations, and the justice of my claim, for the fulfilment of the promise of a grant of 10,000 acres of land to myself and 1,200 acres to each of my associates.

That the instructions direct the grant of the full quantity claimed for my associates, but leave me deficient in one-half of the amount promised me, being 5,000 acres less than I expected.

That the Secretary of State, for certain considerations, authorised the grant of 100 acres to each of my labourers, upon the usual conditions of residence and cultivation.

That it may be fairly inferred that this indulgence of granting land to my labourers, under the usual conditions, was intended to benefit me, in compensation of the deficiency of land promised to me.

That the nomination and recommendation of the persons rested with me; and all that the Government could require from me was proof of the parties being actually my labourers.

That the engagements under which the labourers acquired that character, so as to entitle them to be nominated by me for grants, forms no subject for inquiry by the Government.

That the conditions of the grant to my labourers being identical with those attached to my own, and all other grants ordered by the Secretary of State, the proceedings thereupon ought to have been similar, and such as were followed at the time when the despatch was received (1817); that is, that patents should have issued upon my application, previous to

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the performance of the conditions, of which the specification should be given in the patent, as usual.

And, lastly, that my acceptance of the office of agent did not change the relation in which I stood in respect to my labourers under the authority of the Secretary of State's despatch, although it imposed on me the necessity of complying with the conditions of residence and cultivation before instead of after the issue of the patents.

I must now remark on the charge of demanding per centage for lands settled under my agency; if there be any offence in what I have done, it is at least enormously exaggerated in the report, and I do not think it necessary to occupy much time in showing the futility of the accusation. Per-centage must have been allowed by the Crown to any other agent upon all the lands located. I conceive that no question can be raised as to my right to per-centage on lands located to independent settlers; neither will any objection be taken to my demanding it on lands assigned to such of my labourers who took up lots on which I had not expended money; and if the objection be restricted to those who are stated to have paid me some consideration on that account, the number is so small as scarcely to merit attention; however, the list of persons performing the settlement duties was submitted to the surveyor-general in the usual manner, and the certificates to its correctness. If, as agent, I was not entitled to per-centage on all the land assigned to my labourers, it was competent to him to make any reduction therein; but he was right in not doing so, for the duties of settlement were performed equally by my labourers as by other persons; indeed, I supposed the performance of the conditions of settlement to be an indispensable preliminary to all grants, and therefore I placed settlers upon the lots set apart for my own per-centage, and included them in the returns of lands on which the duties were done. The statement of fees furnished to the surveyor-general exhibited the lands set apart for my agency, as well as the lands assigned to my labourers.

I must now proceed to narrate certain circumstances, to show that my appointment as agent was made with the intention that I have ascribed to it, and that the surveyor-general was cognizant of that intention. On the 9th February 1822, conformably with the arrangement sanctioned by Lord Dalhousie, as I have before stated, the civil secretary delivered to me in person a letter of instructions, as agent for the townships adjoining to my settlement; I was not put in communication with the surveyor-general, nor did I receive any instructions whatever from him at any time. Before leaving Quebec I requested Colonel Ready to cause me to be furnished with official diagrams of those townships; they were transmitted to me in the month of June following, together with a letter from Mr. Bouchette, dated 22d March 1822, inclosing 50 blank location tickets, and requesting me "to collect, like the other agents, the fees of the surveyor-general of 7s. 8d. for each location ticket." At the same time Mr. Bouchette says, "You having, I presume, the form of the permit of occupation, I do not send you one."

About the month of October 1824, Mr. Bouchette being employed at the expense of Government, in collecting statistical information in the townships, passed several days at my house in Ascot; during his stay with me I made up a statement of the settlers to whom I had assigned lands, in order to show the amount of fees collected on location tickets. This document comprised a list of each of the townships, containing the names of the parties and the numbers of the lots on which they were settled; and an abstract showing the number of lots on which fees were due, the number of lots assigned to my labourers being exempt from fees, and the number of lots set apart on account of my per-centage. The amount of fees due by the statement was paid to Mr. Bouchette partly by a draft drawn by him on me in anticipation, and the balance in money, for which I hold his receipt.

I am now compelled to expose certain proceedings in relation to these papers, and to which I have already alluded.

On the 25th March 1835, the Assembly addressed the Governor for the communication of the following documents: 1st, "A copy of my appointment, dated 9th February 1822, to the situation of agent for superintending the settlement of the townships therein mentioned, and of such instructions or other communications specifying the nature of his duties in the said situation as may have been transmitted to him;" and "copies of such certificates, statements, accounts or letters," as I "may from time to time have produced, furnished, rendered or written to His Majesty's Provincial Government, relative to my situation of agent or concerning my acts as such agent." In consequence of this address, directions were given to the surveyor-general to prepare copies of the documents in his office, and on the 11th March Mr. Bouchette delivered at the bar of the Assembly certain papers, which he stated to be copies of the documents called for by that house; (*vide Appendix to the Journals of 1835, letter Y.*)

It has been seen, that several of the charges against me turn wholly on the fact of my being an agent acting under certain specified instructions; and in support of these allegations certain documents are exhibited in the report. Now these documents were delivered by the surveyor-general as being copies of papers with which I was furnished by him; amongst others the supplementary instruction, authorizing the location of all applicants, being British subjects, &c. But in truth, Mr. Bouchette never did furnish me with any instructions whatever; and my instructions from Colonel Ready do not contain the supplementary instructions. Mr. Bouchette's letter of the 27th March 1822, before quoted, proves conclusively, that he did not furnish the instructions, for in it he says, "You having, I presume, the form of the permit of occupation, I do not send you one," from which the inevitable conclusion is, that I must have received it from some other authority; but this other authority must also have given the instructions which refer to that permit; which is
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the fact so far as the instructions are concerned; so that Mr. Bouchette stands convicted under his own hand of having delivered factitious documents to the Assembly. These papers are marked Nos. 1, 2 and 5, in the report of the committee. In further explanation, it is only necessary to remark, that the instructions signed by Colonel Ready do not contain the supplementary instruction, which allows the location of all applicants by a "permit of occupation," and therefore cannot make any reference to the "form of the permit," alluded to by Mr. Bouchette, a fact which Mr. Bouchette must have known if he had given me the instructions.

It has also been seen, that the principal cause of the exaggerated colouring which has been given to the charges against me, is the concealment from the committee of the right which I enjoyed of obtaining grants for my labourers. The mere inspection of the proceedings will show that the committee has been kept in ignorance of this fact, although it must have been well known to the parties conducting the inquiry. It is impossible that the committee could have come to the conclusion embodied in the report of the surveyor-general, had he delivered to them a copy of the statement of fees paid him in October 1824; the details in that statement show so clearly the distinction observed at the time between my labourers and other settlers, as likewise the lands set apart for my per-centage, that they must have been convinced of the correctness of my proceedings in every particular. I have heard it said that Mr. Bouchette did not think himself called upon to make public any statements of his fees; but I conceive that in this instance, wherein the exhibition of that paper would have shown the true character of my transactions with my people, he was bound in common justice to produce it, and as a public officer he had no right to suppress or withhold any document received from me as "agent," when he was ordered to furnish all "statements, accounts or letters furnished, rendered or written" by me "relative to my situation of agent, or concerning my acts as such agent."

But if Mr. Bouchette held himself justified in withholding that part of the statement relating to fees, he should not have suppressed the remainder, for he must have been conscious that in so doing he exposed the committee to error or injustice in their inquiry, and therefore it behoved him to guard them from such evil by apprizing them of the facts within his knowledge. As a public officer called upon for information on a matter involving the reputation of another person in office, it was competent to him to offer any observations or to state any circumstances necessary to the correct understanding of the subject. Now, Mr. Bouchette cannot deny that he was perfectly aware of the right which I had always exercised of nominating my labourers for grants prior to my appointment as agent; although he may probably screen himself on the plea of not having received official communication on the subject from the Governor. It cannot however be credited that the contents of Earl Bathurst's despatch of December 1817, conveying this authority, should be forgotten by the head of a department principally concerned in carrying it into effect. The inquiries respecting the grants of my reservations to Major Loring and Colonel Fulton, with the discussions concerning the resumption of those lands, and the extended grants to me and my associates, which have been acted upon, were matters that necessarily came officially within the knowledge of the surveyor-general, and of which he cannot plead ignorance; indeed the subjects noticed in this despatch were of a nature to excite too much interest to be easily forgotten, the most prominent object being a public functionary of high standing; and the whole contents of the despatch formed at that time the subject of common conversation in the public offices. Neither can Mr. Bouchette forget, that after the receipt of this despatch his hands had been tied up from disposing of any more of the lands in Ascot, which every claimant of a grant was eager to obtain. To come down to a later period, it is not probable that Mr. Bouchette has forgotten that he was cognisant of all my proceedings in October 1824, when he received from me the balance of the fees due on my locations. In concluding this subject, I feel myself borne out in the opinion that I have before expressed, that the delivery of factitious documents to the Assembly is proved by the evidence furnished by Mr. Bouchette himself; and that this fact, with the suppression of another document, and withholding information indispensable to the correct understanding of the question, afford strong grounds for accusing Mr. Bouchette of intentionally and collusively deceiving the Assembly, with the design of placing my proceedings in a light wholly at variance with the truth, and thus to give a colour to the charges brought against me. I do not imagine that Mr. Bouchette would commit a gratuitous injury on my reputation, but I have every reason to believe that he has been seduced into this conspiracy by the feelings of vengeance and malice excited by the censure cast on him for the numerous instances of negligence and irregularity which I have had occasion to comment upon in the discharge of my official duty.

I shall be most happy to furnish any further explanations that his Excellency may desire.

I have, &c.

(signed) William B. Felton.

No. 12.

Sir,

Castle St. Lewis, Quebec, 13 June 1836.

With reference to my communication to you, of the 2d ult., intimating that it was the intention of the Governor-in-chief, acting upon the opinion of the law-officers of the Crown, to issue a commission of oyer and terminer, for the purpose of trying in a court of law such of the charges preferred against you by the House of Assembly as should be found susceptible

Correspondence
respecting
Mr. Felton.

ble of a legal investigation; I have now the honour to acquaint you, that from a recent report of the law officers of the Crown, it appears that the ground on which they conceived that legal proceedings against you could be supported was the circumstance of your having, as stated in the report of the special committee of the House of Assembly, actually received the 913 acres of land claimed by you for agency in your memorial of the 30th May 1834. But as, on reference to the officers connected with the preparation of land patents, it appears that no letters patent conveying this land to you have in fact ever issued, the law-officers have reported to his Excellency that the supposed grounds for a criminal prosecution against you no longer exist; and I am therefore to inform you that the intended commission will not be issued. As the whole case, therefore, must now in the first instance be determined by his Excellency, and as your explanation of the 16th May last, which was written at a time when a legal investigation was contemplated, may not, perhaps, be so full and complete as it might have been had no such investigation been intended, his Excellency thinks it but fair and just, before coming to a decision, to afford you an opportunity of supplying any further observations and proofs which the anticipation of a trial at law may have induced you to withhold.

I have, &c.

Hon. W. B. Felton.

(signed) S. Walcott, Civil Secretary.

COPY of a DESPATCH from the Earl of Gosford, to the Right Hon.
Lord Glenelg.

My Lord,

Government-house, Montreal, 10 Aug. 1836.

WITH reference to my despatch of the 14th of June last, informing your Lordship that no legal proceedings could be had against Mr. Felton, with respect to the charges preferred against him by the House of Assembly, as contained in the second report of the standing committee of grievances, and that I had afforded that gentleman another opportunity of adding to, and supporting by proof, the defence which he had put in while under the impression that his conduct was to be investigated in a court of law; I have now the honour to acquaint you that on the 20th ultimo Mr. Felton, in reply to the letter of my civil secretary of the 13th of June, a copy of which accompanied my last despatch on this subject, addressed a communication to me, stating that he had nothing further to add to his defence, except to draw my attention to the discrepancy between the evidence as printed in the report of the committee, and that actually given by one of the witnesses, and to request that the surveyor-general might be called upon to supply some information on certain points, which he thought important to the right understanding of his case. To this I immediately consented, and desired Mr. Felton himself to prepare in writing the questions he would wish to be put to the surveyor-general. The replies of that officer (in my opinion not very material to the decision of the case), are contained in enclosure No. 3.

Your Lordship will observe that Mr. Felton, in one part of his defence, after complaining generally of the way in which the examination of the witnesses was conducted by the committee, states, that on one occasion when some questions were put to the two last witnesses (D. Weir and William Dodds), which produced replies unfavourable to the views of the committee, they were entirely suppressed, and replies more suitable to their designs substituted; that these facts were afterwards substantiated by an inquiry before the House, where the fraud, as he terms it, was ingeniously attributed to mistake. I herewith transmit a copy of the resolutions of the House on this point, which I omitted by mistake to forward with my despatch of the 14th June. Mr. Felton proceeds, a little further on, to state that in most instances the lands assigned to his labourers were given to them free of expense, as he did not consider them bound to pay fees, and that it was only in cases wherein he had previously expended money in improvements, or wherein the lots given up had been set apart as a portion of his own grant, that he ever received any kind of compensation, which was usually in labour performed; but he does not adduce any proof whatever in support of this, to him, very important and material statement. He appears also to rely much on a particular view that he has taken of a despatch from the Earl of Bathurst, then Secretary of State for the Colonies, to Sir John Sherbrooke, dated the 7th of December 1816, No. 52, wherein an additional grant of 3,000 acres to Mr. Felton and of 700 to each of his associates is authorized, and the Governor is instructed "to assign to such of Mr. Felton's labourers as might be desirous of becoming settlers

Enclosure, No. 1.
20 July 1836.

See Questions,
Enclosure, No. 2.
Enclosure, No. 3.
27 July 1837.

Enclosure, No. 4.
2 March 1836.

settlers on their own account, 100 acres each in the same neighbourhood, under the usual conditions of residence and cultivation," contending that this order was, under the circumstances of the case, intended for his especial benefit, in part compensation for the disappointment and consequent inconvenience to which he had been exposed by the Government having failed to give him the whole amount of land originally promised to him, namely, 10,000 acres.

Now, although the effect and object of this part of the despatch might have been, and probably was, to bestow an indirect benefit on Mr. Felton by attracting labourers and settlers to his part of the country, and by giving him the selection of his neighbours, yet I cannot concur in the view he has taken of it, if it is to be construed as enabling him to derive a direct profit in the shape of money, or money's worth, as the price of the assignments to be made to his labourers.

With regard to the charge of selling lands as his own, and yet demanding of Government the usual per-centage, as if the grants had been made under his instructions as agent, your Lordship has been already informed that had Mr. Felton actually received this per-centage, he would, as the law-officers state, have been guilty of an act which would have subjected him to a criminal prosecution. Now, although the act was not legally completed by the issuing of letters patent, yet the intention existed, and manifests itself in the claim made for per-centage; the moral character, therefore, of the transaction, in my opinion, remains the same. But without going further into the case, I may at once acquaint your Lordship, that having given Mr. Felton the most unrestricted opportunity for making and supporting his defence, and having, to the best of my judgment, weighed all that he has advanced, I regret that it is not in my power to report to your Lordship that his explanation is satisfactory to my mind. In the discharge, therefore, of a clear but painful duty, and in the exercise of the power vested in me by my commission as Governor, I have suspended Mr. Felton from the only office he holds under the Crown, the commissioner of Crown lands, and have informed him that the whole of his case will be submitted to His Majesty for final decision.

In the meantime, until His Majesty's pleasure be known, and some final arrangements made respecting the mode in which the duties of the land-granting department should in future be conducted (one of the subjects upon which the Royal Commissioners are desired to report), I have directed that Mr. Davidson, the assistant Crown-land commissioner should, as a provisional arrangement, carry on the business of the office as usual, but without any increase of salary or other expectation of reward from Government, beyond the commission of five per cent. on the sales of the Crown-lands and timber, and clergy reserves, as received at present by Mr. Felton, and which is but a reasonable remuneration for the additional labour and responsibility thus thrown on him. He is of course to enter into a bond with sureties, in the usual manner, for the proper performance of the duties, and duly to account for the monies he may receive.

I have, &c.

(signed) *Gosford.*

Enclosures, Nos. 1 to 5, in the preceding Despatch.

No. 1.

Sir,

Quebec, 20 July 1836.

I AM honoured with your letter of the 16th instant, referring to your former communication of the 13th June, apprising me of the intention of his Excellency the Governor-in-chief not to issue a commission of oyer and terminer, as intimated on the 2d May, and acquainting me that as the case must be determined by his Excellency, it is considered just to afford me an opportunity of supplying any further observations and proofs which the anticipation of a trial at law may have induced me to withhold.

I request that you will be pleased to offer to my Lord Gosford my most grateful acknowledgments for the consideration and condescension shown to me during these proceedings, and I beg you to assure his Excellency that the delay in replying to your letter arose from the circumstance of my papers relating to this matter being at Quebec, whilst I was employed in official duties in the townships. Having looked over the remarks which I had the honour of submitting upon this subject, I do not observe any material omission, unless it be that I have neglected to notice the discrepancy between the evidence, as printed in the report of the committee, and that actually given by one of the witnesses, which is important only as the printed report is unaccompanied with the proceedings had in the Assembly, in relation to this falsification of its records.

I cannot, however, neglect this occasion of fully vindicating myself by allowing the withholding of information by the surveyor-general to pass unnoticed; and I must therefore

Correspondence
respecting
Mr. Felton.

Enclosure, No. 5.
6 August 1836.

Enclosures,
Nos. 1 to 5.

Correspondence
respecting
Mr. Felton

entreat his Excellency, before he fully makes his decision on the case, to call up the surveyor-general to account for having withheld from the committee of Assembly the document which contained the account of fees due and paid to him by me, which paper also comprised a statement of the lands reserved for my agency, and to require that officer to explain his reasons for allowing the committee to remain in ignorance of the particulars concerning my grants, and the proceedings that had been had in relation thereto, when he must have been aware of the effect of the misapprehension under which they laboured, and which he had it in his power to remedy by a simple exposition of facts and circumstances, of which he was necessarily cognizant.

S. Walcott, &c. &c. &c.

I have, &c.
(signed) William B. Felton.

No. 2.

Sir,

Castle St. Lewis, Quebec, 20 July 1836.

His Excellency the Governor-in-chief having called upon Mr. Felton for his remarks on certain charges against him, contained in the second report of the standing committee of grievances of the House of Assembly, relative to his conduct as agent for the townships of Ascot, Hatley, Orford and Stoke, and that gentleman having requested that you may be required to afford an explanation respecting the non production before the House of Assembly in 1835, of a document containing an account of fees paid to you, which he considers to be of great importance to support his case, I have received his Excellency's commands to request that you will convey to me all the information that may be in your power in respect to all the circumstances connected with the document alluded to. The points on which Mr. Felton requests that your attention may be particularly directed are comprised in the following questions :

1. During your stay at Mr. Felton's residence in the month of October 1824, did you receive from him any and what documents relating directly or indirectly to his duties as agent for the townships of Ascot Hatley, Orford and Stoke?

2. Do you consider a statement of fees due to or accruing to you to be a document of a public character, so as to be included in the papers that you are bound to deliver as official documents?

3. Did you receive any fees, and upon what account, from Mr. Felton at that time; if so, state the particulars of amount and services?

4. Did you receive any sum of money from Mr. Felton prior to the day of your arrival at his house, either by draft upon him, or in any other manner; and what was the amount of the sum drawn for by you upon him?

5. Was that sum included in the account rendered, and charged against you?

6. Was the sum paid to you by Mr. Felton, including your draft, equal to the amount that would be due to you, supposing that you were entitled to the fee of 7s. 8d. for each location ticket issued?

7. Did the number of location tickets issued correspond with the number of persons whose names appear upon the lists which you have returned to the Assembly?

8. Were you aware that Mr. Felton obtained the promise of a gratuitous grant of land from the Crown prior to his arrival in this country?

9. Did you ever hear from Mr. Felton, when you met him in London in the year 1814, that he had obtained the promise of 10,000 acres from Lord Bathurst?

10. Were you cognizant of Mr. Felton being entitled to obtain 100 acres of land for each of his labourers?

11. Do you consider that an individual obtaining a grant under the Secretary of State's despatch was subject at that period to the necessity of taking out a location ticket before he obtained his patent?

12. Did Mr. Felton, or any of his associates, take up their grants by location ticket, and did they pay your fee of 7s. 8d.?

13. Do you keep any document of the fees which are paid to you, and if so, be pleased to exhibit the same for the year 1824?

I have, &c.
(signed) S. Walcott, Civil Secretary.

P. S.—An early answer is requested.

S. W.

No. 3.

Sir,

Surveyor-general's Office, Quebec, 27 July 1836.

I HAVE the honour to acknowledge the receipt of your despatch of the 20th instant, by which I am informed that Mr. Felton has requested that I should be required to afford an explanation respecting the non-production before the House of Assembly, in 1835, of a document containing an account of fees paid to me, which he considers to be of great importance to support his case, and requesting of me to convey to you all the information that might be in my power, in respect to all circumstances connected with the document alluded to. I have therefore the honour to comply with his Excellency the Governor-

Governor-in-chief's commands, and beg leave to answer as succinctly as possible the several questions propounded by Mr. Felton, in the order in which they are proposed in your despatch. It may not be unfit, however, to preface my answers by stating that, in consequence of the high importance attached by Mr. Felton to the mislaid document, which, if in existence at all, I always have considered, and still do consider a mere private memorandum, which could not, as such, be called for by the House of Assembly. I have long since most diligently examined, with the assistance of the gentlemen of my department, all my private as well as official papers connected with my tour through the eastern townships in 1824, in the hope of finding the paper deemed of such moment; but I regret to say that my repeated searches have proved wholly fruitless, and I am again obliged to appeal to memory and to other sources of information to govern me on the subject. From these sources was made out a hasty memorandum statement, addressed inofficially to Mr. Davidson, for his and Mr. Felton's information, but which, it seems, was nevertheless transmitted to the Assembly; which statement, I persist in saying, shows a larger sum than that which I think I ever received, although the total amount is considerably under the sum which would appear to have been due upon the aggregate number of locations at 7s. 8d. that were issued by Mr. Felton as agent, and appearing on the face of the several lists by him returned and recorded in this office, and recently calculated with somewhat more correctness* than had previously been done, implicit reliance having always been placed by me upon Mr. Felton's statement of my fees. One fact must impressively favour the assertion; it is this: that Mr. Felton, in 1834, when applying to Government for 913 acres of land, as agency per-centage upon the locations by him issued, and under which settlements were made a few days previous to bringing up the list and order of reference thereon, spontaneously intimated to me that he was my debtor of a balance of location fees. He must, of course, have had the means of establishing that balance; I had not. I have no doubt that this balance, at least, was due, being fully convinced from recent calculations (margin) that I have never received from Mr. Felton so large an amount as 59*l.*, nor did I give the subject a thought, and expressed my surprise at his communication; he did accordingly pay me 7*l.* some shillings as the balance due, after deducting 30*s.* or 40*s.* which he said he found charged against me in his accounts, for so much paid by him for me at Sherbrooke. I speak subject to the evidence of my receipts, by which I will stand corrected. I now proceed to consider the queries proposed, to which I beg leave to give, seriatim, the following answers:

Correspondence
respecting
Mr. Felton.

* Locations:		
Hatley	- -	95
Eaton	- - -	14
Ascot	- - -	32
Orford	- - -	6
Stoke	- - -	1
Dudswell	- -	6
		154
At 7 <i>s.</i> 8 <i>d.</i>		—
Total Fees		£. 59 8

1. In the month of October 1824 I received from Mr. Felton, I believe at Sherbrooke, the Returns of Locations by him made, as agent of the townships of Ascot, Hatley, Stoke, Eaton, Orford and Dudswell, which returns are dated the 15th October of that year, and are the documents laid before the Assembly under the letters A, B, C, D & E, and, if I mistake not, Mr. Felton at that time made out a statement or memorandum of fees due to me upon the locations, which, by those returns, appeared to have been made; but I neither have kept that memorandum, nor do I recollect the amount of the fees then due; but it must necessarily have been that shown by the number of locations multiplied by 7*s.* 8*d.* and could have been no other.

2. I do not keep any official cash book of fees received by me, having other satisfactory data for computing the amount annually received. These data consist of the Record of Locations, the book of Certificates of Vagrancy, and the Accounts of the Patent-office. The searches and diagrams are few in number, and are generally, though not regularly, noted in the office, and an average allowance is made for them in the annual returns.

3. In October 1824 I received part, if not all the location fees appearing at that time to be due by Mr. Felton's returns; the amount I cannot recollect, but it could assuredly be no other than that shown, as stated above, viz., by the number of locations multiplied by 7*s.* 8*d.*

4. I believe I did draw on Mr. Felton for something like 10*l.* on account of fees, and I have no doubt that I was duly debited with it in the reckoning of the agency account alluded to by Mr. Felton. If I did draw upon Mr. Felton, of course he holds my draft, with my receipts for any monies received.

5. See the preceding answer.

6. Assuming the whole balance to have been discharged, the amount paid to me by Mr. Felton, including, I believe, my draft of 10*l.*, must have been precisely equal to the amount of the number of locations issued, multiplied by 7*s.* 8*d.*, viz., about 40*l.*, the returns showing about 110 locations; but I conscientiously believe the sum paid was much under that amount.

7. They ought to do so, or Mr. Felton's returns are fallacious.

8 & 9. Mr. Felton, in 1814, was a perfect stranger to me. He may have had a promise from Lord Bathurst of 10,000 acres of land; and if we met, as it appears we did, in London, he may have told me so; but really it is impossible for me, after the lapse of 22 years, and deeply engaged, as I then was, upon public works, to charge my memory with such matters.

10. I received an intimation to that effect from the Hon. Mr. Cochran, then secretary, dated Castle St. Lewis, Quebec, 3d July 1818.

11. This would depend upon the terms of the grant, and the executive government would of course be most competent to judge of the expediency of location or non-location, and I could but humbly obey the mandate.

12. They do not appear to have done so.

Correspondence
respecting
Mr. Felton.

13. I beg to refer to my answer to the 2d Query. By the books, in which are noted as memoranda the annual returns to Government, the sum of 149*l*. (calculated on the average of three years) appears to have been received as fees by the surveyor-general in 1824.

S. Walcott, Esq.,
&c. &c. &c.

I have, &c.
(signed) *Jos. Bouchette*,
His Majesty's Surveyor-general.

No. 4.

House of Assembly, Wednesday, 2 March 1836.

Resolved, THAT the witnesses Daniel Weir and William Dodds were examined by Mr. Gagy, before the committee of grievances, on the same occasion and at the same time, on the charges preferred against the Hon. Wm. B. Felton, and that after the examination was concluded, a series of nine separate questions, furnished in writing by Mr. Bedard, as submitted on behalf of Mr. Felton, jun., was propounded to each of the said witnesses.

Resolved, That the testimony given by the said witnesses at the first examination was correctly recorded, but that without the intervention of any member of this house, the answers of the said Wm. Dodds to the four last interrogations of the said series so furnished by Mr. Bedard, after the said first examination had been concluded, were appended to the testimony of the said Daniel Weir, and the four last answers of the said D. Weir to the said series, were appended to the evidence of the said Wm. Dodds, by a mistake originating in the fact of their examination being had at the same time and place.

Resolved, That, although the matters of detail, relative to which the said Wm. Dodds testified, and which were, by mistake, appended to the evidence of the said D. Weir, have no relation to the merits of the said charges, or any bearing on the points at issue between this house and the said Hon. W. B. Felton, it is expedient to correct the said error, and to verify the said mistake, by appending the four last answers to the said series to the parties who gave them respectively, that is to say, by appending the four last answers now erroneously attributed to the said Daniel Weir, to the evidence of the said Wm. Dodds, and by taking the four last answers of the said Daniel Weir from the testimony of the said Wm. Dodds, and replacing them at the end of the testimony of the said Daniel Weir.

Resolved, That the said witness, William Dodds, be discharged from any further attendance.

Attest.
(signed) *W. B. Lindsay*, Clerk of Assembly.

No. 5.

Sir,

Castle St. Lewis, Quebec, 6 August 1836.

WITH reference to what has passed between the local government and yourself on the subject of the charges preferred against you by the House of Assembly in its last session, and contained in the second report of the standing committee of grievances, and more particularly with reference to my communication to you of the 13th of June last, informing you that inasmuch as no letters patent had actually issued conveying to you the 913 acres of land claimed by you for agency in your memorial of the 30th of May 1834, the intended legal proceedings against you could not take place, and consequently that the whole case must in the first instance be determined by the Governor-in-chief; I have received his Excellency's commands to acquaint you, that having afforded you the most full and unrestricted opportunities for meeting the charges brought against you, of which you have availed yourself, and having maturely weighed all that you have advanced, both orally and in writing, his Excellency regrets that he is unable to state that your explanations are satisfactory to him. The circumstance that no letters patent have been issued, conveying to you the land you claimed for agency, does not in his mind affect the moral character of that part of the transaction to which it relates, neither can he concur in the view which you have taken of the Secretary of State's despatch of the 7th of Dec. 1816, in regard to the land which was to be gratuitously assigned to your labourers.

Under this impression his Excellency has come to the conclusion to lay the whole of your case, with the proceedings of the Assembly, before His Majesty's Government for final decision; and he feels it to be his painful duty to suspend you from the duties of your office as commissioner of Crown lands until His Majesty's pleasure in this matter shall be known.

Hon. W. B. Felton,
&c. &c. &c.

I have, &c.
(signed) *S. Walcott*, Civil Secretary.

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 23 November 1836.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 10th of August last, in which you report that having given Mr. Felton every opportunity of defending himself against the charges which have been brought against him by the Assembly, his explanations have not proved satisfactory to your mind, and that you have therefore felt it to be your duty to suspend him from the office of Commissioner of Crown Lands, informing him that his case would be submitted for His Majesty's final decision.

In consequence of this communication from your Lordship, I have been engaged in an attentive consideration of the Report of the Grievance Committee, by whom the charges against Mr. Felton were investigated and preferred, of that gentleman's defence, and of all the other papers which accompanied your Lordship's former despatches, of the dates and numbers noted in the margin.

The substance of the report of the committee may be thus shortly stated.

In the year 1822 Mr. Felton being appointed agent for Ascot and other adjoining townships, was instructed to hold out the promise of a grant of 100 acres of land to every applicant who should perform the conditions of actual settlement, and for every 100 acres which should thus be brought into cultivation by settlers located under his superintendence, he was to receive a per-centage of five acres. When applied to for free grants on the above conditions, Mr. Felton is said to have invariably denied that he had the power of making such grants, and to have resorted to subterfuge to induce the applicants to purchase land from himself, of which land he fraudulently represented himself to be the proprietor. Of the sales effected in this manner, a statement is given of the quantity of land sold to a number of individuals, of the price stipulated to be paid by the purchaser, and of the sum actually received by Mr. Felton. In the returns transmitted by Mr. Felton to the provincial government of the locations effected by him as agent for the settlement of the townships, the names of all the above individuals, with one exception, are included. These parties were thus returned by Mr. Felton as having performed the settlement duties, and were in consequence of his recommendation included in letters patent purporting to make to them gratuitous grants of the very lands purchased by them from Mr. Felton. Large sums of money were in this way received by Mr. Felton, who far from accounting to the Government for them, actually claimed his per-centage upon all these sales as upon lands on which the settlement duties had been completed.

Such is a general statement of the grounds on which the committee have arrived at the conclusion that Mr. Felton has been guilty of oppression, speculation and extortion, by abusing the powers entrusted to him in relation to the waste lands of the Crown.

Contemplating the possibility of the land so sold by Mr. Felton being promised to him by the Government, the committee affirm that not one of the lots in question were comprised in any grant made to or applied for by him, or his family; and adverting to the discussions which have passed respecting the excessive grants to that gentleman's children, they contend that it was evident that the Crown considered the amount of land already granted to him to have been sufficient. The fact, however, of his having claimed his allowance from Government of five per cent. on the land which he sold, has led the committee to decide that he is guilty of the charges against him, whether he was or was not proprietor of the land in question. "If," they say, "the land belonged to Mr. Felton, he could not honestly claim a commission for selling it; nor, if the land belonged to the Crown, could he honestly sell it, and convert the price, as he has done, to his own use." The documents and evidence appended to the report would appear to establish the conclusions of the committee to their full extent. Of these accusations I should have expected from a person of Mr. Felton's station in society, apart from the relation in which he stands to your Lordship's Government, the most distinct and unqualified refutation; but although I have been disappointed in such expectations, I will not on that account less attentively consider the statements by which he has endeavoured to justify his proceedings.

In the first place then, with regard to the sale of the land, I find that Mr. Felton contends that he had a right to nominate and recommend his labourers for gratuitous grants from the Crown, and that the arrangements which they might

Correspondence
respecting
Mr. Felton.

make with him prior to nomination, were matters in which none but the parties had any concern.

Assuming that all the parties to whom these discussions relate were Mr. Felton's labourers, an assertion which is neither proved by himself nor borne out by the report, I proceed at once to examine the right which is thus contended for. It demands particular attention, as constituting the main ground on which Mr. Felton rests his defence. This right is claimed by Mr. Felton, from the terms of a despatch which Lord Bathurst wrote to the Governor of Lower Canada, on the 7th of December 1816.

Mr. Felton's statement of the events in which he was personally concerned, antecedent to the date of this despatch is, that having in the year 1814 submitted to the Secretary of State a project for settling in Canada, and embarking in his enterprize a capital of 20,000*l.*, he received from Lord Bathurst a promise of 10,000 acres of land, and of 1,200 for each of his associates; that on his arrival at Quebec he learned that orders had been given to assign to him only 2,000 acres; that he remonstrated on the disappointment thus caused to him, but that the Secretary of State refused to sanction any further grant to him until that already made had been brought into cultivation. That in the spring of 1816, he dispatched one of his associates to London, to represent his case to His Majesty's Government; and that the consequence of his appeal was the despatch from Lord Bathurst, of the 7th of December 1816, which instructed Sir John Sherbrooke to grant to him 3,000 acres in addition to the 2,000 already assigned to him; to give to each of his associates 700 acres, in addition to the 500 already granted to them; and further (I continue to give Mr. Felton's version of these transactions), to assign to such of his labourers as might be desirous of becoming settlers on their own account, 100 acres each, in the same neighbourhood. The inference deduced by Mr. Felton from this despatch is, that it was a virtual admission of his title to the 10,000 acres alleged to have been originally promised to him; and that, as it directed the grant of the full quantity of land claimed for his associates, and left him deficient by one-half of what he had expected, the authority for granting 100 acres to each of his labourers was intended by Lord Bathurst to compensate him for such deficiency.

I quite agree with your Lordship in thinking that if Lord Bathurst's intention in these instructions was, as is probable, to bestow an indirect benefit on Mr. Felton, it never could have been intended to authorise his exaction of a direct profit in the shape of money or money's worth, as the price of the assignments to be made to his labourers. But it is not necessary in the present case to rely on a mere opinion as to what Lord Bathurst's intentions may have been. On reference to the entry of the despatch in question, I find that it directs assignments of land to be made, not to Mr. Felton's labourers only, but to those of his associates also. Mr. Felton's assumption, therefore, that it was intended by that instruction to compensate him for the non-fulfilment of a promise which was made good in the case of his associates, is most unwarrantable. But what surprises me still more is, that Mr. Felton, when holding an office demanding of him great circumspection in all such matters, should have engaged in land transactions of much pecuniary importance to himself upon a construction of a public document only, as he himself allows, "assumed," a construction which is warranted neither by the common sense nor the facts of the case.

Mr. Felton's denial of the right of the Government, or of any other party to inquire into the arrangements which he might have made with his labourers, prior to nominating them for grants from the Crown, appears to me most extraordinary. I can look on it in no other light than as an unworthy attempt to shelter his proceedings under a fictitious title to privileges, the exercise of which has been claimed on indefensible grounds, and perverted to purposes which I refrain from characterizing. I observe it to be alleged by Mr. Felton that his appointment as agent was made by Lord Dalhousie to give effect to the Secretary of State's order for assigning land to his labourers. Granting this to have been the case, although there is no evidence to corroborate the assertion, while on the other hand, Mr. Felton appears to have received his appointment in the same manner, and to have been furnished with the same instructions as the other agents for townships; it would be folly to imagine that Lord Dalhousie meant to countenance the sale of land by Mr. Felton in his official capacity, for his own direct pecuniary benefit.

I nowhere find in Mr. Felton's defence any assertion that the land so sold by him

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Correspondence
respecting
Mr. Felton.

him was his own property. The line of defence taken by him, and already adverted to, is indeed a confession that it was not so. He says, however, that it was only in cases where he had previously expended money in improvements, or where the lots had been set apart as a portion of his own grant, that he ever received any kind of compensation. I take this statement, however, to apply to cases which have no connexion with the present inquiry. The circumstance of the settlers who paid the money having been returned by Mr. Felton to Government, for gratuitous grants of the lots purchased by them, is conclusive as to the fact of his being aware that the land belonged to the Crown.

I will now briefly advert to Mr. Felton's defence against the charge of demanding a per-centage on the land which he sold for his own private benefit. He says, that the number of instances in which this was the case is so small, as scarcely to merit attention, and that the same per-centage must have been allowed to any other agent. To this accusation, therefore, I must consider that he pleads guilty. It would appear from the correspondence which passed between your Lordship and the law-officers of your Government on this part of the subject, that if the facts adduced in the report and evidence of the Committee were true, and if Mr. Felton had become actually possessed of the per-centage which he demanded, there would have been ground for a criminal prosecution of him. Now, the facts alleged by the committee, so far from being disproved, have not been denied by Mr. Felton; and the claim having been made and persisted in, the accident of its not having been satisfied does not, as your Lordship justly observes, alter the moral character of the transaction.

I abstain from dwelling on the many extrinsic points adverted to in Mr. Felton's defence. I regret to say that that document does not appear to me to meet the charges of the Assembly in the direct and open manner which I should have expected from an officer habitually correct and conscientious in the discharge of his duty. It would be easy to controvert many of the positions which it contains, but I am dissuaded from any more specific allusion to them, not only by the position in which Mr. Felton already unhappily stands, but because I have sufficiently recorded the grounds on which I have advised His Majesty to approve of your Lordship's conduct in suspending Mr. Felton from his present office of Commissioner of Crown Lands, and to direct his final dismissal from the public service. If, on a consideration of these discussions, I could have had, as it is impossible for me to have, the least doubt as to the advice which it was my duty to give to the King on the subject, I should still have had the same course prescribed to me by a reference to transactions in which two of my predecessors and myself have been compelled to pronounce the most marked censure on Mr. Felton's conduct. I allude to the immoderate quantity of land which he obtained for his children, under letters patent, passed subsequently to the receipt of instructions from His Majesty's Government, forbidding such extensive grants to his family. On this latter subject I expect, at no distant period, to learn from your Lordship that the measures which you directed to be taken for the recovery of the land have been completed.

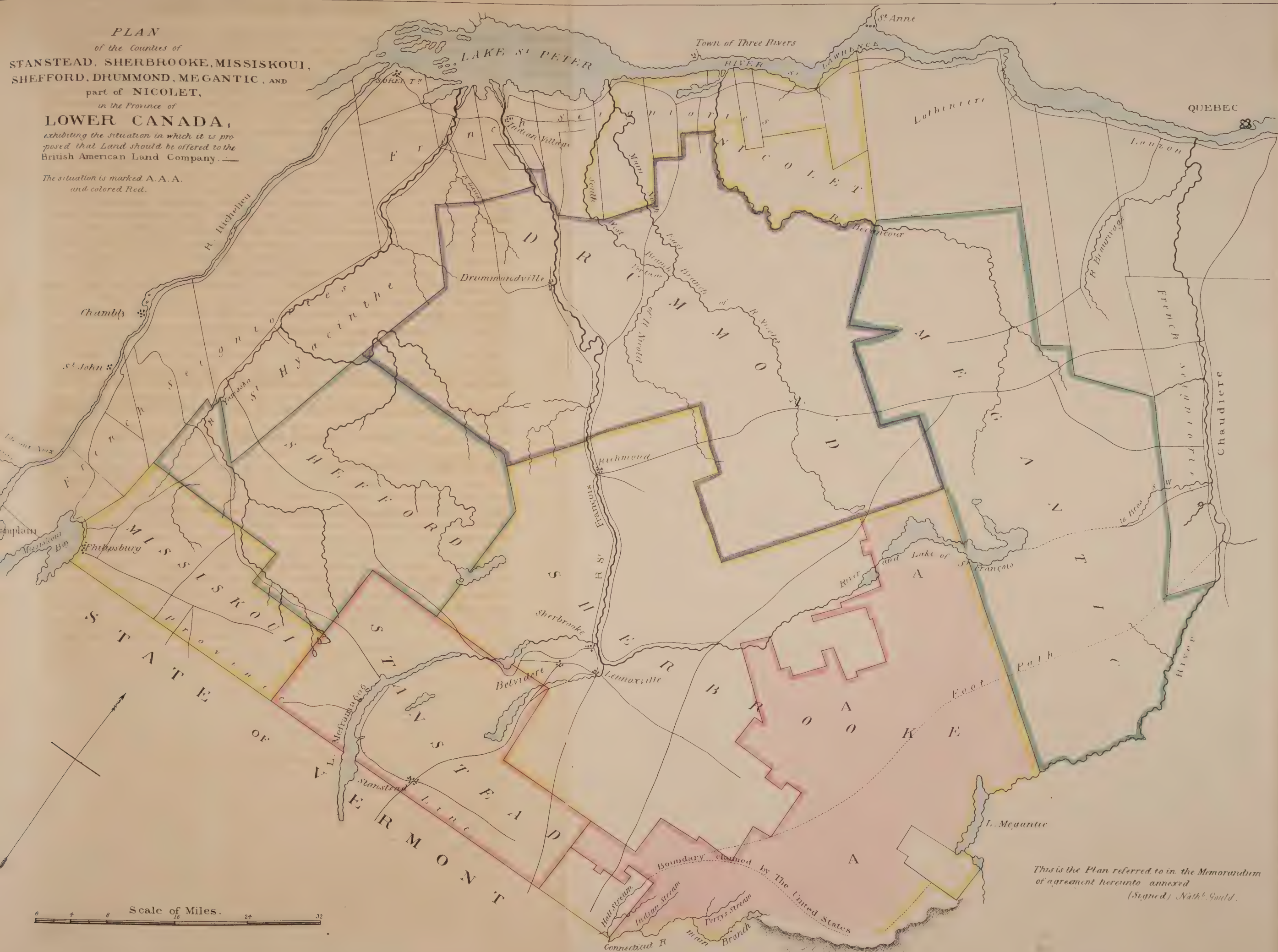
I have, &c.

(signed) *Glenelg.*

PLAN of the Counties of *Stanstead*, *Sherbrooke*, *Missiskoui*, *Shefford*, *Drummond*, *Megantic*, and part of *Nicolet*, in the Province of *Lower Canada*; exhibiting the Situation in which it is proposed that Land should be offered to the British Land Company.

PLAN
of the Counties of
STANSTEAD, SHERBROOKE, MISSISKOU, SHEFFORD, DRUMMOND, MEGANTIC, AND
part of **NICOLET,**
in the Province of
LOWER CANADA,
exhibiting the situation in which it is proposed that Land should be offered to the British American Land Company.

The situation is marked A.A.A. and colored Red.



P A P E R S

RELATIVE TO THE

AFFAIRS OF LOWER CANADA.

(PRESENTED TO PARLIAMENT BY HIS MAJESTY'S COMMAND.)

Ordered, by The House of Commons, to be Printed,
20 February 1837.

SCHEDULE.

- No. 1.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 12 November 1835 (five Enclosures) - - - p. 3
- No. 2.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 10 March 1836 (one Enclosure) - - - p. 12
- No. 3.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 12 March 1836 (four Enclosures) - - - p. 20
- No. 4.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 7 June 1836 - - - - - p. 29
- No. 5.—Extract of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 8 June 1836 - - - - - p. 31
- No. 6.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 28 September 1836 (five Enclosures) - - - p. 34
- No. 7.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 1 October 1836 - - - - - p. 37
- No. 8.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 3 October 1836 (two Enclosures) - - - p. 38
- No. 9.—Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 4 October 1836 (one Enclosure) - - - p. 41
- No. 10.—Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated Downing-street, 20 November 1836 - - - - - p. 42

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LOWER CANADA.

— No. 1. —

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

Castle of St. Lewis, Quebec,

12 November 1835.

No. 1.

My Lord,

I HAVE the honour herewith to transmit a copy of the speech with which I opened the session of the Provincial Parliament on the 27th ultimo, together with copies of the Addresses of the Legislative Council and House of Assembly in answer to it, and my replies to each.

I have, &c.

(signed) Gosford.

Enclosure 1, in No 1.

Gentlemen of the Legislative Council,

Gentlemen of the House of Assembly,

It is in no ordinary circumstances that I meet you; and consequences of vast importance depend on the impression you may receive from my words. Dissensions have almost arrested the course of government. The supplies required for carrying into execution the laws by which society is held together, have now for a considerable period been withheld. The most urgent and conflicting statements of numerous grievances by adverse parties have been borne to the throne of His Majesty; but accompanied with expressions of an apprehension that the Ministers of the Crown might not have that practical and local knowledge of the province which is necessary for the discernment of the most appropriate remedies.

I am sent amongst you therefore, not only as your Governor, but as the Head of a Commission upon which the task is imposed of inquiring fully, and upon the spot, into the complaints which have been made, and of offering to the King and to the Councils by which the Throne is surrounded, the deliberate conclusions of the Commissioners.

There are some cases in which the executive power of the Governor will of itself be sufficient to apply a remedy; in others, though he cannot act by himself, yet with the help of one or both branches of the Provincial Legislature, he may effectually accomplish what is required. There are others in which the laws and institutions of the United Kingdom make it impossible for us, without the enactments or sanction of the authorities in England, to effect what is asked; so that if we were to act we should be acting unlawfully; if we were to make laws, they would be binding upon no one.

If these distinctions are borne in mind, whilst I state to you the commands I have received from His Majesty, and the policy to which I shall adhere, I am confident that I shall satisfy all impartial minds of the magnanimity and wisdom with which His Majesty has listened to your complaints; of the resolution which has been taken to redress every grievance under which any class of His Majesty's Canadian subjects may labour, and of my own determination to do all of which I am capable in giving effect to these generous and wise intentions. As Governor, I will execute with alacrity, impartiality and firmness whatever I am competent to do of myself; as head of the Provincial Legislature, I will zealously co-operate with its other members in the redress of every evil they may find occasion to correct; as Commissioner, I pledge myself that a prompt, but careful examination shall be made of those still weightier matters which depend upon the highest powers of the empire; and that having, with the most anxious thought and solemn deliberation, arrived at our conclusions, the Commissioners will state them with an earnestness of purpose calculated to give additional force to the authority which they ought to derive from having been deemed worthy of so grave a charge.

In what I shall now proceed to communicate, it is not my design, nor am I authorized by His Majesty, to condemn or to applaud generally the conduct of any one; the abatement of dissensions, and the conciliation of adverse parties, are the objects at which I aim: the goodwill of the Canadians of all ranks and classes; the confidence of the representatives of the people; the respect of all branches and members of the Government, are what I ardently desire to earn and to retain, and in this I hope to succeed, because I am conscious that my intentions deserve it. With as much freedom from fear or favour as I have promised to act, I will now speak of the things of which you have complained, and of the remedies which I hope to see applied.

It is affirmed that the French origin of the majority of the inhabitants of Lower Canada has been made a pretext for excluding them from office and employment, and for retaining them in a state of political inferiority. I disclaim, on the part of His Majesty and of the British people, so ungenerous a motive. Having long ago become a part of the family of British subjects, our Constitution recognises nothing, as a mark for disfavour, which may denote the estrangement of their ancestors in a former century. It regards nothing in the present generation as demerit, save misconduct. The circumstances which first united this country with the British Empire, must necessarily have occasioned for some time afterwards an exclusion of its prior inhabitants from offices of Government, and the bias thus unavoid-

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in No. 1.

ably received, may in some degree, have influenced, even to the present day, the course of affairs. Neither is it possible, in the distribution of political offices at any time, or in any circumstances, to be guided entirely by a reference to the numbers of individuals, who may be comprised in this or in that class. But I assure you, that in this respect, my instructions enjoin upon me the utmost impartiality and an entire disregard of distinctions, derived from difference of origin. Fitness for the trust, is the criterion to which mainly, if not entirely, I am to look; and I do not hesitate to avow the opinion, that in every country to be acceptable to the great body of the people, is one of the most essential elements of fitness for public station.

So great is the solicitude of His Majesty to take the most effectual security against the occurrence of any abuse in the distribution of his patronage, that he has commanded the adoption of arrangements designed to elicit a far more particular account than heretofore, of the exercise of this part of his delegated authority in Lower Canada; and he has been further pleased to direct that all offices in his gift, of which the emoluments shall exceed a stated sum, shall not be granted, except under the Public Seal of the Province, in pursuance of Warrants to be issued for that purpose by His Majesty.

Complaint is also made that incompatible offices are in some cases held by the same persons. In whatsoever degree this grievance may be found to exist, His Majesty has signified to me his expectation that it should be completely remedied. Commencing with the highest, I have formed the opinion that it is neither right nor consistent with the wholesome separation, and independence of the principal bodies of the Government, and with the dignity of their members, that out of the limited number of executive councillors in this province, several should hold offices under the Legislative Council and House of Assembly. I desire, however, that it may be understood that no dissatisfaction with the conduct of the members of the Executive Council, nor any mark whatever of His Majesty's displeasure is intended to be conveyed. The immediate retirement of those gentlemen who prefer to retain their appointments under the legislative body might embarrass or interrupt the proceedings of the Court of Appeals; but I felt it my duty to impart to them the conclusion to which my mind had come. I shall communicate the same opinion, to the proper authorities at home, and I entertain no doubt that as soon as their places can be supplied, according to the forms prescribed by law, effect will be given to the wish they have expressed to relinquish their seats in the Executive Council. My views are not limited to these cases. No union of incompatible or incongruous offices will be willingly acquiesced in by me: but I wish to be understood as speaking of offices of which the duties cannot conveniently or with propriety be discharged by the same person. In some instances, the division of offices is merely nominal, and the duties are more conveniently discharged by one person than they could be by two. In other instances, the salary of the office is so small, or its duty so seldom called for, that without a union with some other, the employment could only be made acceptable to a competent person by an increase of emolument.

It is stated as a grievance, that the Government has at various times refused to give the legislature access to accounts, and other documents which were necessary for the prosecution of its inquiries, and that the executive has not, in all cases, communicated when requested, the despatches which have passed between the Colonial Department and the Local Government. His Majesty's Government fears that the Assembly may have been exposed to some inconvenience from this source. The rule which I am instructed to follow, is a freedom from all unnecessary reserve. I am commanded to withhold no information from the Provincial Legislature which can be communicated without a violation of confidence, or specific detriment to the public service; and in particular, I am to offer you the fullest assistance in investigating every thing connected with the revenue and with finance. There is scarcely any document within the power of the Government which it will not always be willing to lay before you, except those confidential communications with the authorities at home or with its own officers here, which it is obvious could not be made public in all cases and at all seasons without extreme inconvenience.

As an earnest of the sincerity of these intentions, I have given directions that a copy of the annual Return, generally known as the Blue Book, should in future be presented to each branch of the Legislature; and since correct information on the statistics of the province is an object of general importance, I invite your assistance in rendering all returns of this nature as accurate and as comprehensive as possible.

The too frequent reservation of Bills for the signification of His Majesty's pleasure, and the delay in communicating the King's decision upon them, is a grievance of which His Majesty's Government are solicitous to prevent the recurrence. I shall consider the power of reserving Bills as a right to be employed not without much caution, nor except on some evident necessity. His Majesty's Government also undertake on their part to bestow the most prompt attention on every question of this nature which may be brought under their notice, and especially that no measure having for its object the institution in the Province of any colleges or schools for the advancement of Christian knowledge or sound learning, shall hereafter be unnecessarily deferred.

Connected with this subject, is the lapse of time which, it is stated, has on various occasions, occurred in conveying to the Legislature His Majesty's answers to their addresses. It is very possible that delays, which all would regret, may have taken place; in some instances, perhaps, occasioned or prolonged by circumstances which no activity or zeal in His Majesty's service could have obviated; but His Majesty takes so deep, and, if I may use the expression, so personal an interest in the affairs of this country, that His Ministers have received the most unqualified commands to lay before His Majesty, immediately on its arrival in England, every communication which either branch of the

Legislature

Legislature may address to the Throne; and to see that His Majesty's answer be conveyed to the province with the utmost possible dispatch.

There have been several complaints of other matters, such as of the undue preference of the English to the French language; of improperly calling on the judges for extra-judicial opinions on matters which might subsequently come before them for decision; of an interference in the elections of the representatives of the people, and of other matters on which I should scarcely have thought it necessary to make any specific observations, because I can assure you generally, and without reservation, that any course of government liable to such imputations would be marked by the displeasure of His Majesty, and because I rely upon your giving me so much of your confidence as not to suppose beforehand that I should subject myself in these respects to any just reproach.

With respect, however, to any undue partiality to the English language, it may not be superfluous to apprise you more explicitly, that His Majesty disapproves, and is desirous to discourage and prevent the adoption of any practice which would deprive either class of his subjects of the use, in their official acts, of that tongue with which early habits and education may have rendered them most familiar; and that if you should deem it requisite to pass a law, for securing both the English and French inhabitants of the province against any disadvantage arising from an undue preference to either language, I should be prepared willingly to assent to the measure.

It has been represented as another grievance that exorbitant fees have been charged in some of the public offices. I have not yet been sufficiently long in the province to have obtained accurate information on this subject; but I am willing to concur with you in a revision of the fees of every office in the province, and in the appointment, should you think it expedient, of a commission of inquiry for that purpose.

His Majesty has no wish on the subject, but that the remuneration of all public officers, from the highest to the lowest, should be so regulated as to provide for the efficient discharge of the public service, an object which cannot effectually be secured without a fair remuneration to the persons employed by the public.

I will readily co-operate, if it be desired, with a Committee of both Houses, or of either House, in an inquiry not only into certain rules of practice, made by the courts of law, which, it has been stated in addresses to the Throne, have exceeded the just authority of the Judges, but also into all the practice and proceedings of the superior tribunals, with a view to rendering them more prompt and methodical, and less expensive. I apprehend, however, that after such an inquiry, it might not be in the power of the Governor alone to apply any effectual remedy; and that I should require the concurrence of both branches of the Provincial Legislature in passing an Act for the purpose.

The clergy reserves are among the most extensive of the subjects adverted to in the complaints from the province. The whole question, with the draft of a Bill for the adjustment of the claims of all parties, has been already submitted to the decision of the Legislature, but was lost, apparently, by some misapprehension of the intentions of His Majesty's Government. As the best means of removing this misapprehension, I shall cause to be communicated, without delay, copies of the Earl of Ripon's despatches on this subject; and I invite you to resume the consideration of the proposals which they contain.

Gentlemen of the House of Assembly,

To both branches of the Legislature I am authorized to offer my warrants for the payment of their contingent expenses.

I have received the commands of our most gracious Sovereign to acquaint you that His Majesty is disposed to place under the control of the representatives of the people all public monies payable to His Majesty, or to his officers in the province, whether arising from taxes or from any other Canadian source; but that this cession cannot be made except on conditions which must be maturely weighed, and that to arrange such conditions for your consideration is one of the principal objects of the commission with which it has pleased His Majesty to charge myself and my colleagues.

Our inquiries into this subject shall be pursued with unceasing diligence, and the result shall be submitted with all practicable speed to His Majesty's Government, and I hope in a session to be holden in the ensuing year, I shall be able to lay before you proposals for a satisfactory and conclusive arrangement.

I have desired that the accounts which are necessary to show the financial state of the province, with an estimate for the current year, should be submitted to you as soon as possible, and every explanation respecting them which it may be in my power to afford shall be furnished without reserve. These accounts show the large arrears that are now due for salaries to public officers, and for the other ordinary expenditure of the Government; and I earnestly request of you to pass such votes as may effect the liquidation of these arrears, and provide for the maintenance of the public servants, pending the inquiry by the Commissioners to which I have alluded.

Should you place the Government in this position, I am authorized to engage that no part of the surplus proceeds of the Crown revenues which may accrue beyond the charges to which they are at present permanently liable, shall, in the interval of the Commissioners' inquiry, be applied to any purpose whatever unless with your assent.

As connected with the subject of arrears, I am further commanded to ask of you the repayment, to the military chest, of the sum advanced under the sanction of His Majesty's Government, to meet the pressing exigencies of the public service. This advance was exclusively made from British funds, for the purpose of avoiding any undue interference with the revenues falling under the control of the Assembly, and with a strong persuasion that

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it would not prejudice the satisfactory adjustment of any of the questions at issue between His Majesty's Government and the House of Assembly. However the measure may have been subsequently understood, such were the feelings with which it was adopted. It is obvious that this application does not call on you to grant the smallest amount more than would have been required if there had been no advance. His Majesty therefore hopes, that an issue made in reliance on the just and liberal feelings of the House of Assembly, and designed for no other purpose than to prevent an highly inconvenient interruption of the general business of the province, will be cheerfully repaid.

In the absence of any legal provision for the purpose, I took on myself the responsibility of continuing the Quarantine Establishment at Grosse Isle, on the same footing as I found it, relying on your liberality to make good an expenditure thus incurred solely for the public advantage. I am happy to state that the establishment was closed at an earlier period than usual, in consequence of there having been, for several weeks previously, no sick of any description in the hospital. I avail myself of this opportunity to suggest to you the expediency of indemnifying the proprietor of the island for its past occupation in the public service, and of enabling the Government to obtain possession of it, should the continuance there of a quarantine station be deemed advisable.

I have to announce that the suit instituted by the Crown against the late Receiver-general for repayment of the debt due to the province, has been brought to a termination which makes the estate of the defendant applicable to the satisfaction of the demands of the province. I may also announce to you that the party against whom the judgment has been given, has come to the determination to relinquish his seat in the Legislature of the province, and to abstain from the exercise of all rights and privileges attached to it.

Gentlemen of the Legislative Council,

Gentlemen of the House of Assembly,

In requesting your attention to such useful statutes as may have recently expired, I beg to recommend to your more immediate notice, one, the expiration of which has affected the system of strict reciprocity requisite to be maintained in our commercial intercourse with the United States. I allude to the Act passed in the fourth year of the reign of His present Majesty, intituled "An Act to continue for a limited time, and to amend certain Acts therein mentioned, relating to the collection of the revenue at the several inland ports of the province." I would also recommend to your consideration the whole question of prisons and prison discipline, and the expediency of adopting some more effectual methods, than at present exist, for repressing crime, which, I regret to say, appears to be on the increase in the province.

Of the Commission of which I have spoken to you, it will be the first and most urgent duty to prepare with deliberation, and the utmost care, and yet without delay, the heads of a bill for giving up to the appropriation of the House of Assembly the net proceeds of the hereditary revenue, and to prepare it in such a form that it may be acceptable to the various authorities whose sanction it may require, or under whose cognizance it may come. In what form precisely this important concession may be finally made, it would now be out of place to discuss; but it will be necessary that two points should be secured: First, that the management of the sources of that revenue of which the proceeds are to be appropriated by the House of Assembly, should be reserved to officers of the Crown, whose accounts will be open to the inspection of the Legislature of the province: Secondly, that a provision should be made for the support of the Executive Government, and for the salaries of the Judges, by an adequate civil list.

The much agitated questions respecting the tenures of land and the registry of titles, and all the complicated considerations connected therewith, will also form a subject for the review of the Commissioners; and they are directed to make a complete investigation of the conflicting claims of the Crown, and of the seminary of St. Sulpice, within the seigneurie of Montreal. What constitution and course of proceedings would be most advantageous for the Executive Council? What system for the general education of the people? How the collection and apportionments between the two provinces of the duties of customs, levied within the waters of the St. Lawrence, may be best arranged? And what principle ought hereafter to be taken as a guide in granting or refusing to companies or associations any powers to be exercised, or privileges or capacities to be enjoyed, within the province, are also questions on which the Commissioners must report to the Crown.

There are still graver matters which have been made the grounds of petition to His Majesty, and respecting which the Commissioners are not precluded from entering into an inquiry. But it would be painful to speak here of dissensions between the two Legislative bodies whom I address, or to recapitulate the faults which have been found with the constitution of either body by the other; let me invite you, rather, to follow that example of forbearance, moderation, and of mutual respect which, notwithstanding their differences of opinion, has been recently exhibited by the two Houses of the Imperial Parliament. This moment, as it seems to me, is a great opportunity for good or for evil; let me entreat of you that it may not be lost or thrown away. Lower Canada is divided by two parties, and each of them appears to be agitated by apprehensions which, I trust, are exaggerated. To the Canadians of French origin I would say, do not fear that there is any design to disturb the form of society under which you have so long been contented and prosperous. However different from those of her colonists in other parts of the world, England cannot but admire the social arrangements by which a small number of enterprising colonists has grown into a good, religious and happy race of agriculturists, remarkable for the domestic virtues, for

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a cheerful endurance of labour and privations, and for alertness and bravery in war. There is no thought of endeavouring to break up a system which sustains a dense rural population without the existence of any class of poor. England will protect and foster the benevolent, active and pious priesthood under whose care, and by whose examples so much of order, of good conduct and of tranquil bliss is created, preserved and handed down from generation to generation.

Of the British, and especially of the commercial classes, I would ask, is it possible you should suppose that there can be any design to sacrifice your interests, when it is clear to all the world that commerce is one of the main supports to the British system of finance, that without it this wonderful fabric of British power and dominion would crumble into dust; and that it is especially the object and purpose for which, at a vast expense, the mighty colonies of England are maintained in every quarter of the globe? Rely upon it, that the great and powerful country from whence you have removed yourselves to these shores, will not abandon there the policy which has established the prosperity of her people in every other region; and that a Government, of which constancy and good faith are the main elements of power, will not fail to sustain in this portion of the empire the spirit of that Constitution which has so long been held out as a boon to its natives, and an inducement to the settlers who have embarked in it their enterprise, their wealth and their hopes of individual happiness.

In a declaration put forth by many among you who inhabit this city, I have seen the following objects enumerated: First to obtain for persons of British and Irish origin and others His Majesty's subjects labouring under the same privations of common rights, a fair and reasonable proportion of the representation in the Provincial Assembly: Secondly, to obtain such a reform in the system of judicature, and the administration of justice as may adapt them to the present state of the province: Thirdly, to obtain such a composition of the Executive Council as may impart to it the efficiency and weight which it ought to possess: Fourthly, to resist any appointment of members of the Legislative Council otherwise than by the Crown, but subject to such regulation as may ensure the appointment of fit persons: Fifthly, to use every effort to maintain the connexion of this Colony with the parent state, and a just subordination to its authority; and Sixthly, to assist in preserving and maintaining peace and good order throughout the province, and ensuring the equal rights of His Majesty's subjects of all classes. If these objects are indeed all that are desired by the whole commercial interest, I trust it will be satisfactory to those who aim at them to know that there is not one of them which is not strictly within the line of duty of the King's Commissioners to take into consideration, to receive respecting them the fullest evidence and information which may be offered, and finally to submit to our Gracious Sovereign and His Ministers their impartial and well-weighed conclusions.

To the Canadians, both of French and British origin, and of every class and description, I would say, consider the blessings you might enjoy, and the favoured situation in which but for your own dissensions you would find yourselves to be placed. The offspring of the two foremost nations of mankind, you hold a vast and beautiful country, a fertile soil, a healthy climate; and the noblest river in the world makes your most remote city a port for ships of the sea. Your revenue is triple the amount of your expenditure for the ordinary purposes of government; you have no direct taxes, no public debt, no poor who require any other aid than the natural impulses of charity. If you extend your views beyond the land in which you dwell, you will find that you are joint inheritors of the splendid patrimony of the British Empire, which constitutes you, in the best sense of the term, citizens of the world, and gives you a home on every continent and in every ocean of the globe. There are two paths open to you,—by the one you may advance to the enjoyment of all the advantages which lie in prospect before you; by the other, I will not say more, than that you will stop short of these, and will engage yourselves and those who have no other object than your prosperity, in darker and more difficult courses.

Enclosure 2, in No. 1.

To his Excellency the Right Honourable Earl of Gosford, &c. &c. &c.

May it please your Excellency:

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, beg leave to return your Excellency our thanks for your speech from the throne on opening the present session of the Legislature.

We feel the importance of the circumstances under which your Excellency meets us; amidst difficulties which have arisen in the province, and of late years have produced embarrassments in the administration of the Government in consequence of the withholding of the supplies which are required for defraying the expenses of the civil establishment, and for carrying the law into effect, of which the due execution affords the surest pledge for the happiness and security of society.

We trust that His Majesty's views, as well as the means he has taken to make an inquiry on the spot, may have the effect, by making known the true state of things, of facilitating to His Majesty's Government the means of remedying the grievances of which the subjects of His Majesty in this province may have to complain, and of satisfying their just demands.

It becomes our duty to express our gratitude for the views and intentions, and for the lively solicitude of His Majesty towards this province, as communicated to us by your

Enclosure 2,
in No. 1.

Excellency, and of the assurance of the firm determination of your Excellency to give effect to those wise and generous intentions. The frank declaration of your Excellency can hardly fail to inspire those sentiments of confidence so necessary between the different branches of the Government.

We pray your Excellency to accept of our thanks and the expressions of our gratitude for the assurance you give us, and for the sentiments, as well as for the principles, which you have manifested relating to those objects, particularly with respect to the spirit of impartiality in the instructions received by your Excellency, and for the positive commands contained therein.

We feel it our particular duty to express to your Excellency our satisfaction for what is contained in your speech relating to the difference of origin of the inhabitants of this province respectively, to the distribution of places, to the accumulation and incompatibility of certain offices in the same persons, to the refusal made to the Legislature of documents necessary for the prosecution of its inquiries, to the too frequent reservation of Bills for the signification of His Majesty's pleasure, to the use of both languages generally spoken in the country, of calling on the Judges for extra-judicial opinions on matters which might subsequently come before them for decision, of an interference in the elections of the representatives of the people, and we cannot but applaud the views of justice which your Excellency manifests with respect to these several objects.

We have also received with satisfaction the assurance your Excellency gives us that you are resolved to afford your co-operation in those measures that may lead to fix the fees in some of the public offices according to just and equitable principles between the public officers and individuals, to put an end to the complaints relating to certain rules of practice made by the courts of law, and to render the proceedings of the superior tribunals more prompt and methodical and less expensive.

We shall thankfully receive the copies of the despatches which your Excellency proposes to make to us with respect to the clergy reserves, and this will be the object of our most serious consideration, as well as the project of all measures which may relate to the same.

We will also give our attention to such useful statutes as have recently expired, and more particularly to the one which your Excellency has mentioned, passed in the fourth year of His present Majesty's reign, intituled, "An Act to continue for a limited time, and to amend certain Acts therein mentioned relating to the collection of the Revenues at the several Inland Ports of the Province."

We will also give attention to the state of the prisons and their present discipline, and to the expediency of adopting some more efficient measures for repressing crime, and preventing its increase in this province.

Dissensions between legislative bodies are not only obstacles to the advancement of the public welfare, but necessarily produce public calamities; we indulge the hope that they will be replaced by feelings of moderation and mutual forbearance, and that we may be able to co-operate for the advancement of the prosperity of the country.

We have reason to rejoice at the opinion entertained by your Excellency with regard to the inhabitants of the country, of their moral character, and of the happy results of their institutions and establishments, as well as the assurance that we shall receive the protection of England with regard to these objects.

We feel that it is by maintaining the public peace and good order, by insuring an equality of rights to all His Majesty's subjects in this province without any distinction, that we may indulge the hope of being able to avail ourselves of all our resources, of a fertile soil, a healthy climate, and of those advantages of our situation with relation to commerce and navigation. Union alone can produce this effect; our dissensions would necessarily be the means of paralyzing all our efforts to obtain the same.

Legislative Council Office, Quebec, 9 November 1835.

Enclosure 3, in No. 1.

Mr. Speaker, and Gentlemen of the Legislative Council.

Enclosure 3,
in No. 1.

I RETURN you my thanks for this Address.

I trust that the measures which His Majesty has commanded me to adopt may lead to the most successful results, that dissensions may cease, and goodwill and harmony be restored.

To the principles and sentiments which I announced at the opening of this session I shall firmly adhere, persuaded that by so doing I shall best discharge the duties which His Majesty has been pleased to confide to me, and promote the general interests of this great community.

Castle St. Lewis, Quebec, 11 Nov. 1835.

Enclosure 4, in No. 1.

TO His Excellency the Right Honourable the Earl of Gosford, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's faithful and loyal subjects the Commons of Lower Canada, in Provincial Parliament assembled, humbly thank your Excellency for your speech at the opening of the present session.

Enclosure 4,
in No. 1.

We

We congratulate your Excellency on His Majesty's determination to call to the head of the government of this province, in the person of your Excellency, a distinguished individual, whose habits and former station have, independently of his other qualifications, rendered him more able to accomplish this important charge. We congratulate your Excellency in like manner on your safe arrival among us.

It is indeed under no ordinary circumstances that your Excellency has assumed the reins of administration. The government has not for some time past sufficiently possessed the confidence of this House, and of the people, to fulfil the purposes of its institution. In this state of things, it was in conformity to the ancient custom of Parliament, and in the spirit of the constitution itself, as well as for the advantage of His Majesty's subjects, and of his government in this province, that this House adopted constitutional means for obtaining the redress of grievances and abuses. We shall see with pleasure that His Majesty's government has acquired that practical and local knowledge of the province which is necessary for the discernment of the most appropriate remedies. It is, therefore, with feelings of hope that we contemplate the extensive powers, attributions and circumstances with which your Excellency has commenced the arduous duties of your exalted office.

Bearing in mind the distinction pointed out by your Excellency with regard to the application of the remedies in question, we are firmly convinced of your Excellency's just and liberal intentions in the administration of the executive power. In those cases where your Excellency may be called upon to act jointly with the Provincial Legislature, or with this House in particular, we shall always be disposed to co-operate in every measure which may tend to the welfare of this province. With regard to the Bills which may require to be passed or sanctioned by the authorities in England, we have already, on more than one occasion, made known our desires and wishes to His Majesty's Government. We are firmly persuaded that the result of the attention which has lately been given to the desires and the repeated claims of this House and of the people, will be an entire conviction of their justice, and that they will be granted to their fullest extent.

We ought not to fail here to declare most respectfully to your Excellency, that the great body of the people of this province, without distinction, consider the extension of the elective principle, and its application to the constitution of the Legislative Council in particular, the repeal of the Acts passed in Great Britain on matters concerning the internal government of the province, and fully within the jurisdiction of the Provincial Parliament, as well as of the privileges conferred by such Acts; and the full and unrestrained enjoyment on the part of the Provincial Legislature and of this House of their legislative and constitutional rights, as being essential to the prosperity, welfare and happiness of His Majesty's faithful Canadian subjects, and as being necessary to ensure their confidence in his government, and their future welfare and contentment under it, and to remove the causes which have been obstacles thereto. And we also most respectfully pray your Excellency that in those future communications to which you have alluded, between your Excellency and His Most Gracious Majesty, or His Government, on the subject of the great interests of this province, Your Excellency will be pleased not to lose sight of this firm conviction on the part of the people, which we feel in common with them.

The desire manifested by your Excellency to obtain the goodwill of the Canadians of all ranks and classes, and the confidence and respect of the representatives of the people, is our warranty of your Excellency's intentions to do all in your power for the welfare of the country. We thank your Excellency for your declaration that, as head of the Provincial Legislature, you will co-operate with us in the redress of every evil which it may be necessary to correct.

His Majesty's Government must have been long convinced that the circumstances mentioned by your Excellency as being of a nature for some time practically to exclude the majority of the inhabitants of this province from a due participation in the powers and advantages of office, rested on an incorrect appreciation of their sentiments. The people have repeatedly defended the country in time of war; they refused to accede to the appeal made to them by the former British colonies on this continent, at the period which preceded the independence of those colonies; they preserved their confidence in His Majesty's Government in times of difficulty, and under administrations which trampled on their dearest rights; they have, by their representatives, laboured to insure to all classes of their fellow subjects, without distinction, a participation in all the political and natural advantages of the country, and firmly to establish in this province the Constitutional and Parliamentary Law of Great Britain, and such other portions of its institutions as appeared to the people to be salutary and protecting, and consonant to their wants. It is, therefore, with satisfaction that we have heard your Excellency disclaim, on the part of His Majesty and of the British people, the motives to which the practice heretofore followed has been necessarily attributed. We welcome, with a like feeling, your Excellency's declaration, that your instructions enjoin upon you the utmost impartiality and entire disregard of unjust distinctions.

We thank your Excellency for the frank and open avowal of the salutary principle, that in every country to be acceptable to the great body of the people is one of the most essential elements of fitness for public station. We shall rejoice to hear that arrangements have been adopted to lay before the competent authorities a more particular account than heretofore of the exercise of the Royal authority in the appointment to public office in this province. We perfectly appreciate the motives by which His Majesty is actuated, yet we cannot but feel some anxiety lest the too frequent appeal to His Majesty should, in certain cases, have an effect contrary to his gracious intentions.

It will be of the greatest advantage that the cumulation of incompatible offices in the

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same person should be completely remedied. Your Excellency cannot fail to remember that the particular cases to which you have been pleased to declare that your attention has been already given were, among others, provided against by a Bill passed by the two Houses of the Provincial Parliament, and subsequently taken into consideration by His Majesty's Government. This circumstance and the complaints which have uniformly been made on this subject would have led us to hope that your Excellency would have been invested with the powers necessary to enable your Excellency forthwith to carry into effect your determination on the subject of the salutary separation of the principal component parts of the Government. We should be happy to see established that responsibility on the part of the executive power in this province to the Legislature thereof, and to this House in particular, which is happily established in the United Kingdom, and imparts strength and security to its institutions. We moreover confidently hope that the arrangements your Excellency has been pleased to mention will be speedily carried into effect. Your Excellency has also been pleased to declare to us that your views are not confined to these cases, and that no union of incompatible and incongruous offices will be willingly acquiesced in by your Excellency.

The intention announced by your Excellency to communicate to this House all despatches, accounts, papers and information of which in the course of our deliberations we may have need, is of a nature to call for our particular acknowledgments. We duly appreciate the fears of His Majesty's Government, that we may have been exposed to some inconveniences arising from this source. We expect the greatest advantage from the unreserved assistance which your Excellency has been pleased to promise us, with regard particularly to every thing connected with the revenue and with finance; and we hope that, with your Excellency's aid, the inquiries which this House will continue and institute will have a happy effect on the legislation, and on the future welfare of the country. We venture to hope that these inquiries, in conjunction with those which this House has already made, will furnish extensive information on the statistics of the province, and may aid your Excellency in collecting the information and forming the opinions which your Excellency has announced your intention of transmitting to His Majesty's Government.

By abandoning the too frequent practice of reserving Bills for the signification of His Majesty's pleasure, and that of delaying the communication of the Royal pleasure; as well with regard to such Bills as to the Addresses of this House, the executive authorities will concur in consolidating in the province itself an effective and regular Government, adapted to provide in the best manner for the wants of its inhabitants. This amelioration of the practice on this subject may also be especially favourable to the establishment of colleges and schools for the advancement of Christian knowledge and of sound learning, unattended by those delays which your Excellency believes that, under a contrary system, the greatest zeal and activity in His Majesty's service would be insufficient to obviate. The deep and personal interest which His Majesty designs to take in the affairs of this province have happily suggested to him a measure which we cannot but applaud.

His Majesty's displeasure, announced beforehand by your Excellency, at any conduct on the part of the Government liable to the imputation of giving to the English an undue preference over the French language, of calling upon the judges for extra-judicial opinions on questions which may subsequently come before them for decision, or of interfering in the elections of the representatives of the people, will be one of the elements of order and security; and we are persuaded that your Excellency can have no motive for not giving the fullest effect to His Majesty's injunctions on this head.

With respect to the idea of any undue partiality to the English language over that which makes part of the laws and institutions, guaranteed in the most solemn manner to His Majesty's Canadian subjects, we learn with pleasure that His Majesty disapproves and is desirous to prevent the adoption of any practice which would deprive either class of his subjects of the use of the language with which early habits and education have rendered them most familiar. We flatter ourselves that the due consideration which your Excellency will doubtless bestow with regard to fitness of the persons who may compose the tribunals and fill the several public offices, will suffice for the future to insure respect for the incontestable rights of all classes of the inhabitants of this country.

We shall give our earnest attention to the subject of the fees demanded by divers public functionaries, with a view to revise and regulate the same by the supreme authority of the law. His Majesty may be assured that we shall be guided in this behalf by the nature of the services to be remunerated, the state and circumstances of the province, and the various considerations due to the interests of all portions of the public weal, and to the advancement of the moral condition and of the industry of the people.

We shall accept with pleasure your Excellency's co-operation with this House in an inquiry into the practice and proceedings of the superior tribunals, with a view to ensure their conformity to the law, and to render them more prompt and methodical, as well as less expensive. We hope that the same good understanding will continue to exist between your Excellency and this House, if any bills on this subject should be brought before the Provincial Parliament.

On the subject of the Clergy Reserves, we regret that we have to state to your Excellency that, notwithstanding the benevolent intentions of His Majesty's Government, of which your Excellency is pleased to assure us, our apprehensions have been justified by the disposal of a considerable portion of the waste lands in the manner which we had foreseen. As we have already expressed our opinion to His Majesty's Government on this head, we shall confine ourselves to assuring your Excellency that we shall enter zealously into the examination

examination of the whole question, with the hope of being able to agree to the views of His Majesty's Government, at the same time that we shall respect the rights of all parties and maintain the common or individual interests of all the inhabitants of this province.

We thank your Excellency for having recognized the constitutional privileges of this House, with regard to its contingent expences.

The declaration of His Most Gracious Majesty, whereby we are led to hope that the legitimate control of the representatives of the people will be exercised over all public monies payable to His Majesty, or to his officers in the province, whether arising from taxes, or from any other Canadian source, carries with it the admission of an incontestable and essential principle, calculated to insure that efficiency and responsibility which are so much to be desired in the Government, and to maintain that constitutional control which the people have a right to exercise by their representatives over every branch of the Executive Government. On this head, which embraces a vast number of matters of detail, we shall receive with respect, and will take into our most serious consideration, every communication from His Majesty's Government, or from your Excellency, which you may be pleased to make to us; and we trust that they will tend to facilitate at an early period the conclusive and satisfactory settlement of all financial difficulties. Our labours on this subject will be conducted with the same unceasing diligence which your Excellency is pleased to promise to bestow on it.

We shall receive in the same spirit the accounts necessary to show the financial state of the province, with such estimates and explanations as your Excellency may be pleased to lay before us.

All matters of this nature are so essentially connected with the interests of our constituents and the peculiar privileges of this House, that we cannot fail to be guided in our determinations respecting them by what we believe to be the constitutional privileges of this branch of the Legislature, and for the welfare of the province.

The request made by your Excellency, in consequence of measures heretofore adopted by the executive power, and with regard to which we have already humbly expressed our opinions to His Majesty's Government, is so intimately connected with the same rights and privileges, that it will be our duty to take it into consideration with the same views and sentiments.

We ought, however, to express to your Excellency our conviction that the application of any sums of money, subject to the control of this House, without the consent of the representatives of the people, would tend to create an obstacle to the arrangements contemplated by His Majesty's Government, which we most sincerely desire to see completed.

We are thankful to Providence for having exempted this province, during the summer of the present year, from the ravages of the scourge which had necessitated sanitary precautions on an extensive scale. The discontinuance, by your Excellency, of some of these precautions at an earlier period than usual, appears to us to have been conformable to the circumstances under which it took place. We shall not fail to make good any just and reasonable expenses incurred in carrying the said precautions into effect. We shall also take into consideration the expediency of indemnifying the proprietor of Grosse Isle, and of purchasing it for the public uses of the province.

The judicial decision of the suit instituted by the Crown against the late Receiver-general, which your Excellency has announced to us, adds to the hope we entertain that the right of the province to be reimbursed will be acted upon.

We shall give our attention to the useful statutes which have recently expired. We shall also continue our deliberations on the question of prisons and prison discipline, and on the expediency of adopting some more effectual measures than at present exist for the suppression of crime.

Any sufficient and constitutional measure, tending to facilitate the exercise of the right of this House to the control of the whole revenue raised in this province, shall be received by us with a due appreciation of the motives by which it shall have been dictated, and of the advantages to be derived from it. Every communication on this subject will be received with respect, and examined with attention.

The questions connected with the internal government of this province will continue to form one of the subjects of our labours; and we hope that, with the intentions manifested by His Majesty's Government, the Bills which may from time to time be passed by this House on the various matters connected with these questions, will be productive of results advantageous to the country. We confidently expect the same results in those matters which are more especially within the province of His Majesty's Government.

We pray to be allowed to assure your Excellency that the representations which have been made by this House and by the people, on the subject of the present constitution of the legislature of this province, were so made after mature deliberation, and most careful consideration of the principles of government, and of past events. With a conscientious conviction of its necessity, and in our desire to establish harmony between the high constituted authorities in this province, and to insure the happiness of its inhabitants for a long period to come, as a portion of the empire over which His Most Gracious Majesty presides, we have prayed for the extension of the elective principle to the Legislative Council. The general opinion of the people gives additional strength to our conviction that no arrangement of a merely administrative and temporary nature could produce that harmony which, in common with your Excellency, we have so much at heart, with a view to the full and effective representation in the Legislature of the country of the rights, interests, desires and wants of the people thereof.

Enclosure 4,
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Your Excellency cannot doubt our earnest desire to labour for the happiness of the people, with those dispositions and sentiments with which the high trust vested in us ought to inspire us. Elected by the people of this province, from among whom we come, and into the midst of whom we are to return to partake their lot, we cannot fail at all times to feel an anxious desire to promote the welfare of all, and to see the Legislature contribute effectively to the advancement of the public prosperity.

We thank your Excellency for the declaration, that there is no design to disturb the form of society in this province, or the rights of any class of its inhabitants, and that the great interests of agriculture and commerce are sure of just protection. We feel flattered by the manner in which your Excellency has already appreciated the moral and social institutions of this country; and we trust that your Excellency will be daily more and more convinced of the public and private virtues of its inhabitants of all classes and of all origins. The qualities of the priesthood of all denominations, are among our guarantees that we shall continue to possess these advantages. We can assure your Excellency that we shall apply ourselves, as we have heretofore done, to the fulfilment of our duty towards all, with brotherly impartiality, and we trust our fellow-subjects from different portions of the British empire, who have or may come to settle among us, will find here all that protection which is requisite to their happiness and the encouragement of their industry, and that their efforts will, jointly with ours, tend to promote the common welfare of all.

With regard to the opinions expressed by the great body of the people, and by this House on the public affairs of this province, your Excellency will perceive that they have not been and are not founded in any manner whatsoever on distinctions of nation or of origin, and that the due appreciation of this fact cannot but tend to create a firm conviction of those sentiments of equal justice to all, of which we humbly believe that the representatives of the people of this province have given ample proof. We believe that the House of Assembly, in fact as well as in principle, represents the interests and wishes of the great body of inhabitants of this province of every origin; and animated as we are by the consciousness of the duties which this position imposes on us, there is no class of our fellow subjects, of whatever origin, persuasion or opinion they may be, to whom we are not disposed to afford equal aid and protection.

We duly appreciate the advantages which Providence has bestowed on this country, and we entertain no doubt of the high degree of prosperity and happiness to which its inhabitants might attain under an enlightened, liberal and responsible Government. We confidently expect to obtain a Government of this nature, which will be a pledge to us for our future enjoyment of all the blessings to which we look forward through the firmness of the people, and the attention given to the interests of the country by His Majesty's Government. We also entertain the hope that, with the intentions expressed by your Excellency, this great work of liberty and peace will be accomplished under your Excellency's administration.

(signed) *L. J. Papineau*,
Speaker of the House of Assembly.

House of Assembly, Quebec,
Friday, 6 Nov. 1835.

Enclosure 5 in No. 1.

Enclosure 5,
No. 1.

Mr. Speaker, and Gentlemen of the House of Assembly,

I THANK you for this Address, and especially for the flattering and kind manner in which you have spoken of myself.

It will be my constant study to adhere faithfully to the line of conduct which I stated to you at the opening of this session, and I shall feel truly rejoiced to find that course promote the good understanding which it is so desirable to see re-established in this Province.

Castle St. Lewis, Quebec, 9 November 1835.

— No. 2. —

No. 2.

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

Castle of St. Lewis, Quebec,
10 March 1836.

My Lord,

IN compliance with an Address of the House of Assembly presented to me on the 7th instant, I have the honour to transmit for the purpose of being laid at the foot of the Throne, an Address from that body to His Majesty on the state of the Province, and on certain parts of the instructions to the King's Commissioners in Lower Canada.

I have, &c.

(signed) *Gosford*.

Enclosure in No. 2.

Enclosure in No. 2.

To the King's Most Excellent Majesty.

May it please Your Majesty,

We, your Majesty's faithful and loyal subjects, the Commons of Lower Canada in Provincial Parliament assembled, humbly approach Your Majesty's throne for the purpose of expressing once more, in the name of the people we represent, our firm though respectful opinion of the necessity of the reforms we have so often prayed for in the constitution of this Province, and of the redress of the grievances and abuses which have prevailed therein. We seize the same occasion to make known our sentiments with regard to a portion of the recent views and determinations of Your Majesty's Government, in so far as it has been possible for us to become acquainted with them. We pray Your Majesty to believe in our sincerity. We desire, as the representatives of a people, who have even in times of difficulty shown a strong attachment to the empire over which Your Majesty presides, not to forget the sentiments of respect we owe to Your Majesty's sacred person, and which Your Royal attributes require; but at the same time it would be culpable in us to sanction by our silence any misconception with regard to the nature of the improvement and reforms required, or to the constitutional and practical system of government which we desire to see established in this province, and which we believe to be equally in accordance with the true principles of the constitution, the incontestible rights of the inhabitants of this Province, and their natural and social position, and with their wishes, interests and necessities.

When we solemnly repeat, that the principal object of the political reforms, which this House and the people of this province have for a great number of years used every effort to obtain, and which have frequently been detailed to Your Majesty, is to extend the elective principle to the Legislative Council, a branch of the Provincial Legislature which, by its opposition to the people, and by reason of its imperfect and vicious constitution, has proved insufficient to perform the functions for which it was originally created; to render the Executive Council directly responsible to the representatives of the people, conformably to the principles and practice of the British constitution as established in the United Kingdom;—to place under the wholesome and constitutional control of this House the whole public revenue raised in this Province, from whatever source derived;—to obtain the repeal of certain Acts passed by the Parliament of the United Kingdom, in which the people of this Province are not represented, with regard to the internal affairs of this Province, making its territory and best resources the subject of unfair speculation and monopoly, and which we hold to be a violation of the rights of the Legislature and of the people of this Province; to ensure equal rights and impartial justice to all classes of the inhabitants of this Province;—to abolish sinecures and the accumulation of incompatible offices;—to redress the numerous abuses which prevail in the various departments of the public service;—to obtain for the Provincial Legislature, with regard to the internal affairs of the Province, and more especially over the management and settlement of the waste lands thereof, for the benefit of all classes of Your Majesty's subjects without distinction, that essential control which would be the direct consequence of the principles of the constitution. When we say we respectfully repeat to Your Majesty these our demands, and declare our firm intention to persevere in asking them, as being alone calculated to ensure the liberty, peace and welfare of this Province, and the confidence of the people in the Government, and to cement their political union with the United Empire, we can scarcely fear that we should not be understood by Your Majesty. We shall, however, add to our humble declarations some new facts which must tend yet more to convince Your Majesty of the justice of what we ask, and of the correctness of the view we take of the common interest of the mother country and of this colony.

We are bound, in the first place, to thank Your Majesty for having recalled the head of the Executive Government, and for having appointed as his successor a distinguished personage, who, independently of his qualifications as an individual, of which we have no motive for doubting, was, from his previous habits and position, more likely to comprehend our wishes and our wants. At the opening of the present session of the Provincial Parliament we had to applaud the principles of order and justice enounced in the speech delivered from the throne by his Excellency the Governor-in-chief of this Province, on divers matters connected with the administration of the government, and which might become the subject of our deliberations. In our firm hope that the efforts of Your Majesty's Government to do full justice to the people of this country would be continued without relaxation, in a spirit of enlightened liberality, we have by our answer shown that confidence could still exist on our part and on that of the people in Your Majesty's Government. We believed so much the more firmly, that the declaration of which we have just spoken, and the extraordinary attributions and circumstances which accompanied the usual powers of Your Majesty's representative, were our guarantees that the essential and vital subjects which were only spoken of to us as matters for the future deliberation and decision of Your Majesty and Your Parliament, would be looked at in the same comprehensive spirit, and with the same views, and above all, that the researches and determinations adapted to throw light on the solution of these weighty questions would not be restrained by any formal refusal of the demands which were to form the matter of investigation, nor by any final determination to maintain at all events the pretensions raised from time to time on divers subjects of colonial policy by Your Majesty's responsible Ministers, and which called forth the remonstrances of this House and the people; matters which, as Your Majesty was pleased to assure us, were to be equally the

Enclosure in No. 2. subject of research and deliberation. We thought, that without bringing forward unjust and inapplicable theories of metropolitan domination and colonial abasement, without recurring to a system proved false by memorable examples, regard would be had exclusively to the principles of the constitution, the mutual interests of all parties, and the peace, welfare, rights, wishes and wants of these important portions of the British dominions. It could, therefore, only be with lively anxiety that we were brought to suppose, from the knowledge which reached us, at first indirectly, and afterwards by the official channel, of certain extracts from a Despatch, dated the 17th of July 1835, addressed by Your Majesty's Principal Secretary of State for the Colonies, to certain persons in Lower Canada, (unacquainted as we moreover are with the tenor of the other parts of the same document, and with any subsequent instructions,) that in point of fact the researches authorized by Your Majesty, for the purpose of ascertaining the means of doing justice to Your Canadian subjects, were, on several of the most essential points, limited by preconceived opinions and anticipated decisions in the manner hereinbefore set forth. We are bound on this head to declare, that in the face of obstacles like these, if Your Majesty's Government should persist in maintaining them, and without Your Royal assent to the essential reforms we expect, no measure of minor importance can have the effect desired; that the delay occasioned by the investigations announced, will serve only to embolden the enemies of the people of this Province and of Your Majesty's Government in their hopes of dissension and violence, and that the best intentions or even acts on the part of the head of the Provincial Executive, even in conjunction with the efforts of this House and of the people, might be wrecked in contending against the deep rooted system of vice and abuse which has robbed Your Majesty's Government in this Province of all efficiency and respect, and has endangered the liberties and safety of the inhabitants of Canada.

At the head of the reforms which we persist in considering as essential, is the introduction of the principle of popular election into the constitution of the Legislative Council. The people of the country without distinction regard this body, as at present constituted, as factiously opposed to its institutions, its state of society, its feelings, and its wants, and as having been and as being necessarily the strong hold of oppression and abuses. They continue in like manner to believe that any partial reform which shall stop short of the introduction of the elective principle, will be altogether insufficient, and will, as leaving the inherent vice untouched, bring back the same evils and the same collisions. We think, that with regard to the constantly baneful action of the Legislative Council, we have amply explained ourselves to Your Majesty, and that no other proof than the past and the present acts of that body is needed to remove all doubt as to the nature and spirit of the improvements to be introduced into it. We look, in this respect, upon the Act of 1791, giving Legislators for life to the Canadian Provinces, at the mere pleasure of the executive authority, as an unfortunate experiment, followed by most unhappy consequences. We also look upon this experiment as entirely foreign to the British Constitution. We regret that in the extracts from the despatches we have mentioned, an attempt is made, by begging the question, to infer an analogy which does not exist, for the purpose of aggravating certain specious objections against an Elective Council. We would respectfully pray Your Majesty to remark, that the influence which prevailed in the Councils of the Empire, at the period when the Act of 1791 was passed, was calculated to give an undue preponderance to the aristocratic principle, while, in America, the independent state and the progress of society repelled any doctrine of this nature, and demanded the extension of the contrary principle. We must also express our regret, that while Your Majesty's representative in this Province has solicited the co-operation of the two Houses of the Provincial Legislature to labour at the reform of abuses, and while this House is fully disposed to grant that co-operation, the constant opposition of the Legislative Council is of a nature to prevent so important an appeal from being followed by any result. For ourselves we are conscious that we have ever been, and are still guided in our labours by our conviction of what was for the greatest advantage of the people, and best adapted to cause Your Majesty's Government in this Province to be respected, cherished and strengthened; and firm in our determination to pursue the same course, we pray Your Majesty to believe that we shall not depart from it.

We are not ignorant that some individuals interested in the maintenance of bad government, and accustomed to a system of ascendancy and domination, pretend that harmony might be established between the constituted authorities in the Province, by introducing in its territorial limits, or in the representation of the people, violent changes, of which the sole end would be to deprive a numerous portion of Your Majesty's subjects of a due participation in the advantages of the constitution, and to establish invidious political preferences, as a prelude to the subversion of the institutions of the Province, at the very time when Your Majesty's Government is proclaiming principles of equal justice to all, and acknowledges the excellence of our institutions. We rely too much on the honour of the Government to believe in the possibility of attempts which would destroy all the ties that bind the people to Great Britain, and would force them to regret their allegiance. We cannot, however, but express our regret that in the extracts already mentioned, as well as in several other instances, it has appeared as if the same importance was attached to the calumnious representations of a small number of individuals, supporting the abuses of past administrations, as to the solemn deliberations and unvarying opinions of the representatives of the people, who form a branch of the Legislature which no prejudice against their origin can succeed in causing to be regarded as less essential than the other and co-ordinate branch. In this systematic practice of assimilating a recognized authority, acting in a constitutional capacity, to the disorderly passions which seek to overthrow it, the people

of this country might in the end see a desire to misunderstand the essence and unity of the popular principle acting in the Government, while the aristocratic principle is upheld by attaching it to the Legislative Council, as if it were part of the essence of the constitution itself. We have at least the satisfaction of seeing that the great body of the inhabitants of this Province, of every creed and of every origin, are satisfied with the share they have in the Provincial representation, and that our fellow-subjects of the less numerous origin in particular, acknowledge the spirit of justice and brotherly love with which we have endeavoured to ensure to all the inhabitants of the country, a participation in its political and natural advantages. We perceive in this happy union another guarantee of good government, and an antidote against the tortuous policy which it is sought to support by unjust distinctions.

Even admitting, in opposition to principles and to facts, that the Legislative Council of Lower Canada had some analogy to the House of Lords, it would not follow that the constitution of the said Council ought not to undergo any change, when such change shall become necessary to the stability of the Government, and to the common welfare of the people, since the happy modifications in the institutions of the United Kingdom, which have assured to 7,000,000 of men their civil and political rights, which have dispensed with intolerant tests, and have purified and equalized the representation of the people although opposed at first by the powers of the day, as contrary to the constitution, found at length their place in the statute book, to the great benefit of Your Majesty's Government, and of Your subjects. What the inhabitants of the three Kingdoms asked and obtained for themselves, under given circumstances, we ask for ourselves under circumstances very little dissimilar, and we believe that when we shall have obtained them, the constitution will have lost nothing of its essence or of its efficiency, but will, on the contrary, have acquired an element of strength and activity rendering it more fit to attain the objects of its institution, the happiness and contentment of the people.

Respecting, as we do, the expression of the Royal Pleasure, we yet regret that the Ministers of the Crown should have declared that Your Majesty was most unwilling to admit that the question of an Elective Legislative Council was a subject open to debate in this Province. We beg to be permitted to represent to Your Majesty, that it is not within the province of the Colonial Secretary to limit the subjects which are to engage the attention of this House and the people it represents, within the required forms, with the view of improving the laws and condition of the Province. Against this infringement of the liberties of the subject, by one of Your Majesty's responsible servants, we dare to appeal to the supreme authority of the Empire, to that of Your Majesty sitting in Your High Court of Parliament.

We do not intend to discuss the historical points of English colonial government on which we venture to differ with your Majesty's Ministers. Time has solved the problem, and we firmly believe that those happy countries to which these questions refer would never have attained the degree of prosperity which they now enjoy, either under the old Colonial Government or under a system like that which successive Colonial Ministers have established and maintained in this colony.

On the subject of the Executive Council, we abstain from entering on any details, because we hold this question to be closely connected in practice with the other more important subjects of colonial policy. We shall confine ourselves to saying, that the full and entire recognition of the rights of this House and of the people, by those whom Your Majesty may be pleased to call to Your Councils, and their constitutional responsibility, based upon the practice of the United Kingdom, will be essential motives for confidence in Your Majesty's Government.

We have also asked, and we now again ask, for the repeal of certain noxious Acts, of which the people of the country have complained; we wish, among others, to mention the Act of the sixth year of our late Sovereign George the Fourth, Your Majesty's Royal Brother, chapter 59, commonly called the "Tenures' Act," and also the more recent Act granting certain privileges to a company of individuals, residing chiefly in London, whose object is to make the lands of this Province a subject of speculation. With regard to the former of these Acts, its nature and its effects, our complaints have been so detailed and so numerous, that we shall abstain from repeating them; we shall only add, that recent decisions of the superior tribunals of the country have refused any validity to the proceedings of the pretended Court of Escheats established by the said Act, which has in fact merely served as a pretext for creating several sinecures, paid out of the public revenue of this Province, and which we have not recognized, and will never recognize. We pray Your Majesty, then, that being at length convinced of the baneful effects of the said Act, on the social institutions of this Province, the common rights of its inhabitants, and the settlement of the waste lands therein, without its containing one redeeming beneficial provision, but when, on the contrary, it has tended solely to favour the seigneur, while it professes to be intended for the relief of the mass of the censitaires, it may please Your Majesty to recommend to Your Parliament the immediate repeal of the said Act, in order that the Provincial Legislature may be no longer prevented from enacting laws (as it has the right to do) on the numerous subjects which it has been pretended to regulate by the said Act, and in order that we in particular, as one branch of that Legislature, may do justice in that behalf to our constituents, in a manner adapted to their interests and their wants, with which we have better means of being acquainted than any authority sitting without this Province. On the subject of the latter of the said Acts, we have, as well before it was passed, and with the knowledge and approbation of Your Majesty's Ministers while it was in progress through the Houses of Parliament, as since that time, made equally numerous representations. We know that one of the effects of this Act, besides

Enclosure in No. 2. authorizing monopoly in improved lands already owned and occupied by the people of this Province, has been to confirm the illegal sale of nearly a million of acres of the waste lands of this Province, made to the said company in addition to the unusual privileges it confers on the same company, with regard to the application of the proceeds of the said sale, privileges which belong solely to the Provincial Legislature, whose powers have been therein usurped. This subject is also closely connected with the incontestable right of British subjects inhabiting this Province, and of those who come to settle therein, not to be taxed without their free consent, expressed through their representatives. The said sale has also rendered impossible the free settlement of the most advantageous portion of the accessible lands, and, properly speaking, the only portion of these lands which had escaped the action of the system of fraud, speculation and monopoly which the servants of Your Majesty's Government in this Province have constantly maintained in this department. We humbly believe, that independently of the high considerations aforesaid, an essential point of the public law of the country has been lost sight of, namely, that the waste lands of this Province are not, may it please Your Majesty, of the same nature as the hereditary and patrimonial property belonging to Your Majesty's Crown, any more than they had that character when they were held by His Most Christian Majesty. They formed then, and we deem that they form at this day, part of the public domain of the state which in the several dependencies of the Empire, is committed to Your Majesty's paternal care for the benefit of their inhabitants, and of other subjects of Your Majesty who may wish to settle therein, and is subject to the supreme authority of Parliament; and we conceive that in this Province the Provincial Parliament is fully and exclusively invested with this authority, the exercise of which we shall never willingly renounce. We believe we have given too many proofs that we are perfectly disposed to exercise it for the advantage of all classes of Your Majesty's subjects, to render it possible that any consideration foreign to the laws and constitution, should induce the Parliament of the United Kingdom or Your Majesty's Ministers forcibly to abridge, in this point, the rights of the Provincial Parliament.

If other arguments than those drawn from constitutional law, and from the public law of the country, were requisite to demonstrate the correctness of the view we take of this question, we would say, that in practice, other portions of the public domain of this Province, which were a source of profit at an earlier period, have continued to be administered as having precisely the same character as before the cession of the country; that in divers instances no objection has been raised to the various Acts of the Provincial Parliament on matters therewith connected; and that from the moment when the very Act which defines the forms of our present constitution went into operation (a circumstance which cannot but have weight with Your Majesty), Your Majesty's Government has recognized the nature and destination of the waste lands of this Province by the very circumstance of reserving and continuing to this day to reserve a seventh part thereof to belong more particularly to the Crown, and to be under its special control. Instead of this seventh, the executive authorities have taken possession of the whole of these lands, of which they have disposed for the personal advantage of their members, and of their friends and subalterns, for the purpose of planting corruption in the representation and among the people, of securing an undue irresponsibility in the Provincial Administrations, and of withdrawing them altogether from the control and influence of this House. To justify their former waste, and to retain the same means of bad government for the future, the same authorities established as a doctrine what had theretofore been only a culpable act; and these pretensions, rendered powerful by their own effects, have unhappily made their way to Your Majesty's Throne, and to the Supreme Councils of the United Kingdom.

Under the ancient government in Canada, the settlement of the wild lands, under a system as regular and easy as possible, and adapted to the circumstances of the climate, the laws, manners and locality by the then inhabitants, and by others of their fellow-subjects who come to settle among them, was regarded as a point so essential, that a great portion of the ancient law of the country relates to this subject, and lays down rules which ensure the right of the population to obtain lots of land for the purpose of cultivating them, and which establish the relative rights of all the parties interested. We conceive, that the power of ensuring the efficiency of these laws, of modifying them, or enacting others in their stead in case of need, has devolved solely upon the Provincial Parliament. We regret that since the change of dominion the exactions of certain seigneurs, and the undue favours which have been conferred on others under the Tenures' Act, on the one hand, and the pretensions of the Executive to dispose of these lands without control on the other hand, have entirely nullified the advantages which were best adapted to advance the moral and physical welfare of the people, and to give stability to their institutions and to their political existence, as a happy and affectionate portion of Your Majesty's subjects. We are sure that the people of Canada, of whatever origin, have equally had reason to complain of the vices and abuses above mentioned. We cannot believe that while rights so essential were recognized and respected under an absolute monarchical government, the operation of the British constitution, though imperfect in its application to this Province, will be absolutely insufficient to maintain them.

Your Majesty cannot but know that the climate of this portion of the world, and other peculiar causes, render the clearing of lands, in order to bring them under cultivation, one of the chief resources of the surplus population of the old settlements, and the surest mode of investing the very moderate capital possessed by the people of the country. The resources which the waste lands would afford in point of revenue, under a wise system of management, established under the authority of the Provincial Parliament, would be equally necessary as a provision for the support of Your Majesty's Provincial Government, and for the completion

pletion of the numerous local improvements made requisite by the increase of the population, the emigration from the United Kingdom, and the state of a rising country. These resources are so important in both these respects, that if left to the unrestrained disposal of the Executive, they would destroy the constitution, purchase the adherence of men made powerful by the authority vested in them, and give the administration ample pecuniary means equivalent to the other revenues of the Province, and, consequently, the power of governing arbitrarily in defiance of the authority of the Legislature. We state, as a fact, that such has been in effect the system which has prevailed in this Province, and has been an inexhaustible source of evils and abuses. We attach so much importance to this subject, that we are firmly of opinion, that without the legislative and constitutional authority of the Provincial Parliament over the lands of the Provincial domain, and the revenue arising from them, the power vested in the Legislature to make laws for the peace, welfare and good government of this Province, would be altogether nugatory. Your Majesty may infer from this, how much we differ from Your Majesty's Minister, when in one of the extracts from despatches above mentioned, while commenting on the tenure of public offices in the Province in a manner which seems to us but little applicable to the subject, he appears, on the contrary, to wish to curtail the influence of the representatives of the people over the persons composing the administration, because this House must be animated by a spirit of the people, while we regard this latter circumstance as a most fortunate one, and as a pledge for the due and efficient conduct of public officers, and for the security of those whose affairs they administer.

We therefore pray Your Majesty to be pleased to recommend to Parliament the repeal of the said Act passed in favour of the Land Company; and also that it may please Your Majesty to adopt legal means for annulling all the undue privileges incompatible with the rights of this Province, which it is the object of the said Act to confirm, or of which it may have been the source. We also humbly pray Your Majesty to be graciously pleased, with regard to the matters relative to the public domain and the lands of this Province, to recognize the rights of its Legislature, and of Your faithful subjects therein, to the end that we be no longer prevented from labouring as a part of that Legislature, and, with the consent of Your Majesty as the first branch thereof, to render available all the resources of the country for the support of Your Government therein, and for the equal benefit of all Your subjects who inhabit this Province, or may come to settle in it; and more especially to ensure to all without distinction the means of settling on the waste lands, under an easy system, and on such conditions as shall be found most advantageous.

On the subject of the independence of the Judges, we see with pleasure that there exists no difference between the views of Your Majesty's Government and our own. We regret that our efforts to carry those views into effect have been misunderstood. Since that time the modifications which have rendered the character of the Legislative Council worse, while it was pretended to improve it, have convinced us that it would be of no advantage to the due administration of justice to proceed on the same basis. We shall not, however, abandon the consideration of the subject, and we shall attentively examine any plan which shall appear to us well adapted for the attainment of the desired end.

What we have now said will suffice to show Your Majesty what our views are, with regard to the politics of the colony as a whole, to the functions and powers which we believe to belong to the Provincial Legislature on all matters relative to the internal affairs of the colony, and with regard to what we conceive to be the best means of ensuring activity, efficiency and responsibility in the public service. We would suggest to Your Majesty, that there are on this portion of the American Continent more than 1,000,000 of Your Majesty's subjects, composing the Colonies of Upper and Lower Canada, who, speaking different languages, and having a great diversity of origin, laws, creeds, and manners, characteristics peculiar to them respectively, and which they have severally the right to preserve as inhabitants of a separate and distinct Province, have yet come to the conclusion that the institutions common to the two countries ought to be essentially modified, and that it has become urgently necessary to reform the abuses which have up to this day prevailed in the administration of the Government. We rejoice that we have, in our just claims, the support of our brethren of Upper Canada. This support will demonstrate to Your Majesty, and to our fellow-subjects in all parts of the Empire, that we have been sincere in our declarations, that the circumstances and wants of the two Canadian Provinces do indeed require a responsible and popular government, and that we have been actuated by no narrow views of party or of origin in demanding for many years of Your Majesty that such a government may be granted us.

With regard to the protection and to the equality of rights which Your Majesty's subjects in this Province are entitled to, the remedy of evils and abuses, the abolition of sinecures and pluralities, the expected formation of an Executive Council on the principles above set forth, and to divers other subjects more particularly mentioned in the speech from the Throne at the opening of the present session, we refer to our answer to his Excellency the Governor-in-chief, and we ardently wish that the views and instructions of Your Majesty's Government on essential points, may be of a nature to facilitate the results which Your Majesty's representative has been pleased to promise, and which it will afford us the most lively satisfaction to see attained.

In the extracts from despatches hereinbefore cited, there are certain passages which induce us to believe that we have not made ourselves understood by Your Majesty's Government, with regard to the nature of the control we desire for the Provincial Legislature over the waste lands of the public domain of the province, and which might cause some misapprehension in the opinion of our fellow-subjects. We have never claimed to exercise over

Enclosure in No. 2. this portion of the affairs of the Government, any other authority than the parliamentary and constitutional authority which we are entitled to exercise over all the other affairs of the country, in so far as the peace, welfare and good government of the country may be therein concerned. We have already set forth at length our reasons for believing that this authority belongs to us. On this head, as on all others, our wish is, that the due execution of the laws may remain in the hands of the Executive authority within the limits prescribed by the laws and the constitution, and under the necessary responsibility; but we also wish that the right of the Assembly of the province to legislate on these subjects, jointly with the other branches of the Legislature, and to exercise in this behalf the other powers of the Commons of the country, may receive its full application. We believe we have demonstrated the fatal results of the systems in which this wholesome doctrine has been lost sight of, and the necessity which exists that their effects should be remedied by laws, in the making of which we have a right to participate. We should esteem ourselves happy if this explanation of our views remove any unintentional mistake into which Your Majesty's Government may have fallen, in construing our former representations. If we have in them dwelt more especially on this subject, it is because, until lately, it was enveloped in this province in a system of secrecy, by which the rights of the Provincial Parliament were violated and rendered nugatory, and which has been most injurious to the interests of the Government, and also because Your Majesty's Ministers seem to agree in the opinion that these matters should be withdrawn from the legislative and parliamentary control of the Provincial Parliament. If, on this occasion, we repeat our claims, it is because the more recent opinions of the same servants of Your Majesty have appeared to us to have the same tendency. On the subject of the waste lands, we shall here add that we consider them as of much greater importance with regard to their free settlement, than with regard to the immediate pecuniary revenue which might be derived from them by disposing of them at too high a price, or in larger portions than would suffice to meet the demands of such of Your Majesty's subjects as should be disposed personally to cultivate and settle on them.

It remains for us to address Your Majesty on an important and extensive subject, the public revenue and expenditure of this Province. We humbly thank Your Majesty for the gracious declaration that Your Majesty is disposed to admit the control of the representatives of the people over the whole public revenue raised in the Province. We regard the fulfilment of this promise as of the highest importance. In stating explicitly in the preceding portions of this Address, the rights which we humbly believe to belong to the Legislature of this Province, with regard to certain parts of this revenue, we wish to present the subject in its true point of view, in order that no misconception may hereafter retard the desired result. In the proposal which it may please Your Majesty to make to us for the purpose of attaining this result, it is impossible that Your Majesty should lose sight of the essential principles of the constitution, or of the Declaratory Act of 1778, to the benefit of which we believe the people of this country are peculiarly entitled. We shall receive with respect, and examine with the most scrupulous attention, any communication which Your Majesty may be pleased to make to us, tending to the settlement of the financial questions. We believe, however, that any merely temporary arrangement, made as a matter of expediency, and not carrying with it the recognition of the principles we have supported, could not have the desired effect, but would sooner or later bring back the very difficulties with which we are now contending. We humbly represent to Your Majesty, that the people of this Province, tired of the continued struggle in which they have been so long engaged, to obtain the recognition of their rights on the part of the metropolitan and colonial authorities, would regard with painful apprehension the possibility of the recurrence of the same state of things, and of the necessity of making new sacrifices for the purpose of laying these complaints before Your Majesty and Parliament. We wish for a Government which shall assure us freedom and security; the unrestricted effect of Your Majesty's declarations can alone confer it on us, and it will be when we possess it, and can entertain a hope of the removal of the grievances and abuses that we complain of, that we can properly consider the means of giving effect to Your Majesty's wishes with regard to an appropriation of a permanent nature. With respect to the extension of any appropriation of this nature, beyond what we have hitherto thought to be reasonable, it will be impossible for us to take the subject into consideration until after the views of Your Majesty's Government, with regard to the details, shall have been made known to us. We must, however, declare, that having represented to Your Majesty our views with regard to the efficiency and responsibility which we wish to see established in the Provincial Government, we should think we failed in our duty to our constituents, if we destroyed that efficiency and that responsibility by placing, as a general rule, the great public functionaries of the Province beyond the reach of the wholesome action of the constitution. We are not actuated by any considerations of a merely pecuniary nature; we believe that the largest sums Your Majesty's Government could ask for, would be utterly insignificant, in comparison with those for which Your Majesty's servants in this Province have been defaulters, or the enormous sums expended out of the public revenue, without the authority of the Provincial Legislature, and even in opposition to the votes of this House; or in comparison with the waste of the public property, by which four millions of acres of land, or more, scarcely an eighth part of which has yet been settled, have been monopolized or alienated. But we earnestly desire to preserve the benefit of a just control on the part of the Legislature, over the several branches of the Provincial Executive, and we can never consent, by renouncing it, to confound all the powers of the state for the time to come.

The pretensions set up by the Executive authority to the exclusive disposal of considerable portions of the public revenue of this Province have been so different and so variable, that

that we shall ever consider it a fortunate circumstance that the discussion of these questions, as far as principles are concerned, has been closed by the general declaration, for which we have already expressed our gratitude to Your Majesty. But we cannot admit that our present claims are at variance with our anterior acts, as Your Majesty's Minister supposes. If we could consent to retaliate, and continue the discussion, we might say, that the control of the Provincial Legislature over the sources of revenue in question has been recognized by a long course of practice; that with regard to the casual and territorial revenue, the message of his Excellency, Lord Dorchester, in the year 1794, was then, and has ever since been, interpreted in the Province, and even by the Royal authority in assenting to divers Bills passed by the Provincial Parliament, in such manner as to leave no doubt on the subject; we might then regard the more recent pretensions of the Executive as of a nature altogether unexpected. But, omitting these arguments, we appeal only to the principles of the constitutional and public law of the colony, and the very nature of these sources of revenue, which, we believe, we have sufficiently set forth.

There is another point connected with the casual and territorial revenue of which we ought not to omit to speak. The very definition of this revenue, and the particular sources from which it is derived, demonstrate that it extends to all resources which may be derived from Your Majesty's public domain in this Province. Lord Dorchester, in the message abovementioned, confirms this conclusion in speaking of the sources of revenue from which no profit had then been derived; and his Excellency Lord Aylmer had very recently included the revenue arising from the sale of lands and the cutting of timber in the casual and territorial revenue. Your Majesty, therefore, will not see without surprize, that Your Ministers and servants, feeling that the control of the Provincial Parliament must sooner or later be exercised over the said casual and territorial revenue; compelled, moreover, to acknowledge that in any case this revenue could not be applied otherwise than to the wants of the Civil Government and of the administration of justice; and desirous of creating funds which might be otherwise applied, and might enable them to indulge the spirit of favouritism, and perpetuate their system of bad government, have endeavoured to separate from the said casual and territorial revenue the most important and extensive portion of it, namely, the whole of the waste lands and saleable timber in this Province; and they appear to have assigned to the fund which they thus procured by the sale of the said lands and timber, without lawful authority, the name of Your Majesty's Hereditary Revenue. It is sufficient to examine the purposes to which this part of the revenue has for many years been applied, to be convinced that our opinion of this application is by no means erroneous, and that these purposes have only an almost infinitely distant relation to the essential wants of the Civil Government, and of the administration of justice, for which the casual and territorial revenue is destined. From this administrative manœuvre it follows, as a necessary consequence, that in the hands of Your Majesty's servants, to whom the management of the territorial domain is entrusted, the waste lands will be alienated with a view to the immediate increase of this uncontrolled revenue, instead of being managed with a sage foresight, founded on the consideration of the resources which these lands offer for the future, and of their settlement by your Majesty's subjects. It seems to be intended that this revenue should be enormously increased by the proceeds of the sale to the Land Company. On this latter subject we pray Your Majesty to be pleased to exclude from the revenue over which you have been graciously pleased to encourage the hope of seeing the control of the Legislature of this Province established, all sums arising from alienations in favour of the said Company. We hold the unrestrained access to so great an extent of the waste lands, to be too valuable to Your Majesty's subjects who inhabit this Province, or who may hereafter come to settle therein, to allow us to barter away their rights for any pecuniary considerations whatsoever, or by acknowledging the validity of the said alienations. We are, therefore, bound to abide by the requests herein above made to your Majesty.

We humbly thank Your Majesty that, if we rightly understand Your gracious intentions, the announced recognition of the control of the Provincial Legislature over the whole revenue extends equally to the sources of revenue thus separated from the casual and territorial revenue. This extension will have the effect of preventing, for the future, the consequences of the system heretofore followed. We observe, however, that Your Majesty is desirous of maintaining, under any final arrangement, the charges to the payment of which this particular revenue has hitherto been applied, and which are considered as permanent. We have already expressed our opinion as to the nature of these charges. Your Majesty cannot doubt our readiness to make every provision which may be necessary to ensure the efficient and beneficial management of the said lands and timber. We shall likewise give our attention to the nature of the other charges, with the view of making the result of our deliberations known to Your Majesty's Government. We have, however, already declared that we could not recognize the sinecures created under the Tenures Act. With regard to the several pensions which have hitherto been paid out of this fund, it is our wish to express no premature opinion here; and we shall merely remind Your Majesty that they have hitherto been in opposition to the determination of this House. If we see the desired arrangement effected, we shall receive with respect, and shall take into consideration with the liberality we have always exercised (regard being had to the circumstances of each case, and to the resources of the country), all recommendations from Your Majesty requesting appropriations on our part, of the public monies for constitutional purposes.

Having thus exposed our opinions on the essential points of the extracts from despatches which have come to our knowledge, we refer on all other points to our humble petitions to Your Majesty and Your Parliament of the 1st of March 1834 and the 28th of February 1835, in which we persevere. We beg leave to call Your Majesty's royal attention to the

Enclosure in No. 2. essential reforms we have pointed out in the former part of this address, and which we believe to be indispensable. Declaring ourselves unsatisfied with the views and intentions of Your Majesty's Ministers, we address ourselves to Your Majesty and Your Parliament, in order that our just claims may be listened to, and that Your Majesty's Government in this Province may be rendered constitutional and responsible, and possess the confidence of your faithful subjects. We have frequently regretted that the destinies of the inhabitants of this portion of the British empire should depend almost solely on a colonial minister on the other side of the ocean, acting for the most part on incorrect data, and on an imperfect knowledge of facts, and left to act on his own responsibility. We also venture humbly to express our regret, that in the discussion of colonial questions in general it has not been thought right to attach sufficient importance to them to place them among the number of those on which the public confidence in Your Majesty's Government depends. We have suffered and still suffer from this state of things, and we believe that it would be best remedied by the action in the Province itself of a government at once popular and respected.

In the position in which we are placed, and however unjust the projects of the Colonial Office may appear, it is yet our wish to give Your Majesty a proof of our desire for conciliation and peace. We have expressed our regret that, according to the extracts from despatches above cited, even the temporary arrangement alluded to by Your Majesty's representative cannot take place unless this House virtually admits the control of the Executive over funds which we believe to belong to us, nor unless these funds remain hereafter as they have done heretofore, and for a term of which it is impossible to ascertain the extent, subject to charges created by the mere authority of the Executive, and which it regards as permanent. We are however resolved to neglect nothing which can afford to Your Majesty and Your Parliament an opportunity to do us justice, and to the present administration of this Province the means of effecting such reforms as the vices of the system permit; and we have determined to provide for the expenses of the Provincial Government for a limited time, regard being had to the circumstances attending the several items, and the resources of the country. We pray that Your Majesty will attribute the manner in which we shall endeavour to give effect to the decision we have thus come to solely to our sincere desire to obtain a better government, and not to any abandonment of the principles we have supported; and that Your Majesty will not allow it to be made a subject of reproach to us when we may again hereafter insist on these principles. It is with the view of maintaining them, and of obtaining Your Majesty's decision and that of Your Parliament on the weighty matters we have set forth, and the removal of grievances and abuses, that we have postponed the consideration of the other demands which would have necessitated a further departure from what we believe to be the constitutional rights of the people. We expect full justice from the august tribunal to which we appeal; and we trust that the Provincial Parliament will be called together for its next session so as to enable us to continue as early as possible our labours for the welfare of the country, and reassured, by the justice and liberality of the measures we expect, to consider the means of finally arranging the difficulties existing in the government of this Province, and of giving strength, stability and public confidence thereto.

Wherefore we respectfully entreat Your Majesty to listen favourably to our humble prayer, and, as well by the exercise of the august powers which belong more especially to Your Majesty, as jointly with the Parliament of the United Kingdom, to render full justice to your faithful subjects, and to deliver them from the oppressions and bad government which, through colonial ministers, have so long weighed heavily upon them. And by inclination led, as well as by duty bound, we shall ever pray for Your Majesty's sacred person.

House of Assembly, Quebec,
26 February 1836.

(signed) *L. J. Papineau*,
Speaker of the House of Assembly.

— No. 3. —

No. 3.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

Castle of St. Lewis, Quebec,
12 March 1836.

My Lord,

It becomes my duty to inform your Lordship that the Provincial Executive has again, for the fourth year, been left destitute of the usual legal provision necessary for carrying on the civil government, and paying the large arrears now due for past services; and thus, at the end of a session of more than ordinary length, a satisfactory adjustment of the financial difficulties of the colony appears to be as distant and more hopeless than ever. I shall in this despatch, while giving your Lordship an outline of the proceedings of the two Houses on this subject, briefly touch upon what I conceive to have been the causes and reasons that led to this disastrous result.

On the 9th of November last the accounts showing the arrears due for salaries to the public officers, and for the other ordinary expenditure of the Government, including

including the advance made from the military chest, was transmitted to the Assembly, with a message inviting their immediate attention to the subject. These were at once referred to the standing committee on public accounts, as were also the estimates for the current year, transmitted in like manner on the 20th of the same month. But nothing further in the matter appears upon the proceedings of the House until the 5th of January, when the committee presented their third report. The subsequent steps of the Assembly up to the 19th of February, having already been detailed to your Lordship need not be here repeated. On the 20th the House went into committee on the several reports on public accounts, on the state of the Province, and on the published extracts from the instructions to the Canada Commissioners. These questions formed the subject of prolonged debates until the 26th, when the committee reported an Address to the King (forwarded by this opportunity, with a separate despatch), and two resolutions, a copy of which is herewith transmitted. In these resolutions, the Assembly, entirely passing by the question of arrears, determined to vote supplies for six months only, from the 15th January to the 15th July next, and to abstain under existing circumstances from specifying in the Supply Bill the particular funds appropriated, under a protest, however, that this course should not in future be invoked as a precedent in opposition to the resolutions of the House of the 16th March 1833 and 21st February 1834. The question of concurrence being put on the resolutions, Mr. Vanfelson moved an amendment, a copy of which is enclosed, to the effect that it would be expedient to vote as well the arrears due, as the supplies required to meet the expenses of the current year. This motion was objected to by the Speaker as unparliamentary, because it was not offered in the shape of a motion, proposing some subject for deliberation and decision, but in the shape of a protest, tending to censure a decision of a committee of the whole House, and further, because in matters of supply, when the decision of a committee of the whole has been in favour of a smaller sum, or a shorter period of time, it is not afterwards allowable to make any motion in the House tending to grant a larger sum, or to extend the period.

An appeal was made to the House from this decision, but it was supported on a division of 40 to 27. The resolutions were then passed, and on the 29th a Bill was introduced in accordance with their principles, passed on the 3d instant, sent up to the Legislative Council on the 5th, and after a first and second reading lost on the 9th in a committee of that body, by the committee rising without reporting.

I expressed to your Lordship my conviction, before the result was known, that the partial publication in Upper Canada of the instructions to the Canada Commissioners was likely to prove a serious obstacle to the successful arrangement of the financial difficulties of the Province; this conviction, I regret to say, has been more than realized; and I can only repeat my belief, that but for that publication the arrears and full supplies would have been granted. As it is, the House of Assembly have assumed a new position, and, not complaining of the existing local administration, have made the granting of the arrears dependent on a full compliance with all the demands contained in their address to His Majesty.

In passing a Bill of Supply for six months only, it would seem that they wished to affix a limit of less than three months to the period within which His Majesty, to entitle the Provincial Executive to a further supply, must favourably decide on demands involving fundamental changes in the constitution, and the consideration of questions of a most grave and complicated description.

On examination of the lost Bill I perceive that the Assembly did not, as in 1833, attach any conditions to objectionable items, but adopted another plan for effecting their wishes for the abolition of pluralities. Where any officer held two situations, the salary of one only was voted, and the other entirely omitted, thus avoiding one of the objections made to the Bill of 1833. In other respects however they appear to have adopted that Bill as their guide in framing the one for the present year, omitting and reducing the same items in both. Among the principal omissions not founded on the objection to pluralities are the postage account of the Civil Secretary's Office, the salaries of all the executive councillors, of their assistant clerk, of Mr. Justice Gale, and of one of the provincial aides-de-camp. But to bring the whole matter under your Lordship's view I enclose a comparative statement of the estimates and votes for 1833 and those for 1836, and a list of the different items omitted and of those reduced in the last Bill.

It was, I understand, chiefly in consequence of these omissions that the Legislative Council declined to proceed with the bill.

No. 3.

It may not be irrelevant here to inform your Lordship that the public chest will contain, on the 1st of May next, about 130,000 *l.* sterling. This sum includes upwards of 45,000 *l.* sterling arising from the Crown revenues, which, as the Assembly have not accepted the offer, conditionally made to them in my opening speech, by providing for the payment of the arrears and maintenance of the public servants pending the inquiry under the Royal Commission, may now be considered as at the unfettered disposal of the Crown. On the other hand, the liabilities of the Government at that date on account of arrears and current expenses, exclusive of the contingencies of the two Houses of Parliament, and of the sums payable under the authority of Local Acts passed and about to be passed, will amount to about 142,000 *l.* sterling, including the 31,000 *l.* advanced from the military chest in 1834, thus showing a deficit of about 12,000 *l.* But it must be observed, that the chief part of the revenue is collected from the custom duties, which flow in only during the summer months, whilst the expenditure continues equal throughout the year, so that, although the amount at present in the chest would have been insufficient to liquidate the demands against it, had the Legislature sanctioned such a measure, yet it by no means follows that, at the end of the financial year in October next, the public Treasury will be unequal to the liabilities to which it may be then subject.

I have, &c.
(signed) Gosford.

Enclosure 1, in No. 3.

House of Assembly, Friday, 26 February 1836.

Enclosure 1,
in No. 3.

Resolved, THAT this House having resolved to address His Majesty and the Parliament of the United Kingdom for the purpose of representing to them the state of the Province, and more particularly the opinions of the representatives of the people on divers views and determinations of His Majesty's Ministers which have lately become known to us, and to solicit the accomplishment of the reforms which have been asked for by this House and the people, and the removal of grievances and abuses, has determined to grant His Majesty the supplies requisite for the interval between the 15th of January last and the 15th of July next, regard being had to the circumstances attending each item asked for, and to the resources of the country.

Resolved, That to ensure the effect of the votes of this House founded on the preceding resolutions, this House will, under existing circumstances, abstain from specifying in the Bill the particular funds appropriated; but that this House declares, in the most solemn manner, that this Act, on its part, shall not be appealed to or invoked as a precedent, in opposition to the resolutions of this House of the 16th March 1833 and 21st February 1834, or against the constitutional rights of this House and the liberties of the people of this Province.

(Attest.)
(signed) W. B. Lindsay, Clerk of Assembly.

Enclosure 2, in No. 3.

EXTRACT from the JOURNALS of the House of Assembly, dated Friday, 26th Feb. 1836.

Enclosure 2,
in No. 3.

THE Resolutions, Address to the King, and Petitions to the Lords and Commons, passed in committee of the whole House on the several Reports of the Standing Committee of Public Accounts, on the State of the Province, and on certain parts of the Instructions to the King's Commissioners in Lower Canada, were reported.

Mr. Dewitt moved, That the question of concurrence be now separately put upon each of the said resolutions. Mr. Vanfelson moved, in amendment to the said motion, that all the words after "That," be struck out, and the following substituted: "This House wishing to give proof of its confidence in the principles of order and justice announced by his Excellency the Governor-in-Chief of this Province, in his speech at the opening of the present session of the Provincial Parliament, and cherishing the firm hope that the efforts of His Majesty's Government, to do full justice to the inhabitants of the country, will be continued without relaxation in a spirit of enlightened liberality, and speedily followed by a successful issue, it would have been expedient to vote as well the arrears of the expenses of the Civil Government as the supplies required to meet the expenses of the current year, regard being had in all cases to the real exigencies of the public service, and to the resources of the country; but that this House should have proceeded under the most solemn protest that this proceeding shall not hereafter be appealed to or invoked as a precedent against the constitutional rights of this House, and the liberties of the people of this Province."

Mr. Speaker said, That the motion offered to the House was unparliamentary, because it was not offered in the shape of a motion proposing some subject for deliberation and decision, but in the shape of a protest, tending to censure a decision of a committee of the whole House; and further, because in matters of supply, when the decision of a committee of the whole has been in favour of a smaller sum, or a shorter period of time, it is not afterwards

wards allowable to make any motion in the House tending to grant a larger sum, or to extend the period.

An appeal being made to the House from Mr. Speaker's decision,
The House divided thereon.

For Mr. Speaker's decision 40; against it 27.

Mr. Dewitt's motion was then agreed to; and the question of concurrence being put on the said Resolutions, they were also agreed to.

The Address to the King and the Petitions to the Lords and Commons, were then concurred in upon a division; yeas 55, and nays 7, and ordered to be engrossed.

Enclosure 2,
in No. 3.

Enclosure 3, in No. 3.

COMPARATIVE STATEMENT showing the Amount estimated for the several ITEMS of the CIVIL EXPENDITURE of the GOVERNMENT of Lower Canada, for the Years 1833 and 1836, and the Amount voted by the House of Assembly for each Item in those Years.

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six months, Sterling.	Explanations.
	£. s. d.	£. s. d.		£. s. d.	£. s. d.	
Salaries of the Officers of Government, and Contingencies:			Salary of the Governor-in-chief.	4,500 - -	2,250 - -	} Estimated for in 1836, but not in 1833.
			Salary of the Civil Secretary.	500 - -	250 - -	
Salary of the assistant civil secretary	200 - -	200 - -	- - - -	200 - -	100 - -	
Ditto of the assistants in the office of civil secretary.	365 - -	365 - -	- - - -	365 - -	132 10 -	
Salary of the keeper of the offices of civil secretary.	45 - -	45 - -	- - - -	45 - -	22 10 -	
Salary of the messenger in ditto	45 - -	45 - -	- - - -	45 - -	22 10 -	
Ditto of the extra messenger in ditto	41 1 3	41 1 3	- - - -	41 1 3	22 10 7½	
Contingencies of stationery, printing, and extra writing in ditto.	400 - -	400 - -	- - - -	600 - -	200 - -	- Reduced to the same as in 1833.
Contingencies of postages in ditto	1,300 - -	- - -	- - - -	1,300 - -	- - -	-- Omitted, as in 1833.
Ditto - for translating public docu- ments into French.	50 - -	50 - -	- - - -	50 - -	25 - -	
Salary of the auditor of land patents	200 - -	200 - -	{ Voted, provided he keeps a public office, to be open during the usual hours of busi- ness, and that he hold no other office or place connected with the granting of land patents	200 - -	100 - -	-- No condition in the Bill of 1836.
Rent of the office for registering grants of the Crown lands.	54 - -	- - -		54 - -	- - -	Omitted.
Contingencies of the provincial secre- tary's office.	300 - -	300 - -	- - - -	300 - -	{ 22 10 - 150 - - }	Increased.
Allowance for a messenger for ditto	30 - -	30 - -	- - - -	45 - -	22 10 -	
For three residents on the Island of Anticosti and one at the River St. Anne, as keepers of depôts of pro- visions for the relief of shipwrecked persons.	175 - -	175 - -	- - - -	175 - -	- - -	-- Provided for in another Act.
Rent of the building used as public offices.	500 - -	500 - -	- - - -	500 - -	250 - -	
Allowance for a keeper of the build- ing.	40 - -	40 - -	- - - -	40 - -	20 - -	
Contingent expenses of fuel for ditto	100 - -	75 - -	- - - -	100 - -	37 10 -	-- Reduced as in 1833.
Ditto - attending the care of ditto	25 - -	25 - -	- - - -	25 - -	- - -	Omitted.
Receiver-General's Office:						
Salary of the receiver-general	1,000 - -	1,000 - -	- - - -	1,000 - -	500 - -	
Allowance to ditto for a clerk	100 - -	100 - -	- - - -	100 - -	50 - -	
Contingent expenses attending the counting and depositing money in the vault, with three keys.	25 - -	25 - -	- - - -	25 - -	15 10 -	Increased.
			Allowance for an of- fice servant.	25 - -	- - -	-- Omitted; esti- mated for in 1836, but not in 1833.
Inspector of Public Account's Office:						
Salary of the inspector-general of pub- lic accounts.	300 - -	300 - -	- - - -	400 - -	150 - -	- Reduced to same as in 1833.
Allowance to ditto for a clerk	100 - -	100 - -	{ Allowance for two clerks, and contin- gencies	200 - -	50 - -	- ditto; two clerks estimated for in 1836, but only one in 1833.

PAPERS RELATING TO LOWER CANADA.

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six months, Sterling.	Explanations.
Executive Council:	£. s. d.	£. s. d.		£. s. d.	£. s. d.	
Salary of nine members, at 100 <i>l.</i> each.	900 - -	500 - -	- - - - -	900 - -	- - - -	Omitted.
Salary of the clerk and registrar -	500 - -	500 - -	{ Voted, provided that he be not a member of the Legislative Council, and not otherwise - - - }	500 - -	250 - -	
Ditto of the assistant ditto - - -	182 10 -	- - - -		182 10 -	- - - -	Omitted.
Allowance for stationery, printing, &c.	50 - -	50 - -		50 - -	25 - -	
Salary of the messenger and keeper of the apartments.	50 - -	50 - -		50 - -	25 - -	
Salary of the doorkeeper and office servant.	50 - -	50 - -	- - - - -	50 - -	25 - -	
Legislative Council:						
Salary of the speaker - - - -	900 - -	900 - -	{ Voted, provided that he has not at the same time an equal or larger sum as a salary attached to any other public situation - - }	900 - -	- - - -	Omitted.
Salary of the clerk - - - -	450 - -	450 - -		450 - -	225 - -	
Ditto of the assistant clerk - - -	360 - -	360 - -	- - ditto - - -	360 - -	180 - -	
Ditto of the writing clerk-assistant and French translator.	225 - -	225 - -	- - - - -	225 - -	112 10 -	
Salary of the law clerk - - - -	180 - -	180 - -	{ Provided he be not a member of the Executive Council and do not hold any judicial situation. - - }	180 - -	- - - -	Omitted.
Ditto of the master in Chancery -	81 - -	81 - -		81 - -	- - - -	Omitted.
Ditto of the gentleman usher of black rod.	135 - -	135 - -	- - - - -	135 - -	67 10 -	
Salary of the serjeant-at-arms -	90 - -	90 - -	- - - - -	90 - -	45 - -	
Ditto of the messenger - - -	32 8 -	32 8 -	- - - - -	32 8 -	16 4 -	
Ditto of the doorkeeper - - -	25 - -	25 - -	- - - - -	25 - -	12 10 -	
Ditto of the keeper of the apartments, &c.	49 10 -	49 10 -	- - - - -	49 10 -	24 15 -	
Contingent expenses - - - -	2,700 - -	2,475 - -	- - - - -	2,700 - -	1,350 - -	
House of Assembly:						
Salary of the speaker - - - -	900 - -	900 - -	{ Voted, provided he do not at the same time receive an equal or higher sum as a salary attached to any other public situation - - }	900 - -	450 - -	
Ditto of the clerk - - - -	450 - -	450 - -		450 - -	225 - -	
Ditto of the assistant clerk - - -	360 - -	360 - -		360 - -	180 - -	
Ditto of the English translator -	180 - -	180 - -		180 - -	90 - -	
Ditto of the French ditto - - -	180 - -	180 - -		180 - -	90 - -	
Ditto of the law clerk - - - -	180 - -	180 - -		180 - -	90 - -	
Ditto of the serjeant-at-arms - -	90 - -	90 - -		90 - -	45 - -	
Ditto of the keeper of the apartments, &c.	49 10 -	- - - -		49 10 -	- - - -	-- Omitted, as in 1833.
Salary of the clerk of the Crown in Chancery.	100 - -	100 - -	{ Provided he be neither a member of the Legislative nor of the Executive Councils - - - }	100 - -	50 - -	
Contingent expenses - - - -	7,200 - -	7,200 - -		9,000 - -	4,500 - -	
Judicial:						
Salary of the chief justice of the province.	1,500 - -	1,500 - -	- - - - -	1,500 - -	750 - -	
Salary of the chief justice of Montreal.	1,300 - -	1,300 - -	- - - - -	1,300 - -	550 - -	- - Reduced to former rate.
Salaries of six puisne judges, at 900 <i>l.</i> each.	5,400 - -	5,400 - -	{ Voted, provided such judge shall neither hold nor enjoy any other office of profit whatever under the Crown - - }	5,400 - -	2,150 - -	-- No condition but Judge Gale's salary omitted Judge Bedard's salary commenced 25th Feb.; no quite six months.
Salary of the provincial resident judge at Three Rivers.	900 - -	900 - -		900 - -	450 - -	
Salaries of two provincial judges, at 500 <i>l.</i> each.	1,000 - -	1,000 - -		1,000 - -	500 - -	

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six Months, Sterling.	Explanations.
	£. s. d.	£. s. d.		£. s. d.	£. s. d.	
Judicial— <i>continued</i> .						
Allowance for circuits, 19 in the year, including four for Gaspé.	475 - -	375 - -	- - - - -	475 - -	187 10 -	-- Reduced, as in 1833.
Salary of the judge of the Court of Vice-admiralty.	200 - -	200 - -	Voted, provided that he do not exact, take or receive any fees, and do not hold or enjoy any other place of profit whatever under the Crown -	200 - -	- - - -	Omitted.
Salary of the sheriff of the district of Quebec.	100 - -	100 - -	Voted, provided he be neither a legislative nor executive councillor -	100 - -	50 - -	
Salary of the sheriff of Montreal -	100 - -	100 - -	- ditto -	100 - -	50 - -	
Ditto of the sheriff of Three Rivers -	75 - -	75 - -	- ditto -	75 - -	37 10 -	
Allowance to ditto for additional duties imposed by Act 9 Geo. 4, c. 6.	4 10 -	4 10 -	- - - - -	- - - - -	- - - -	
			Salary of the attorney-general.	300 - -	150 - -	Estimated for in 1836, but not in 1833.
			Salary of the solicitor-general.	200 - -	100 - -	
Salary of the sheriff of the district of Gaspé.	70 - -	70 - -	- - - - -	70 - -	35 - -	
Ditto - ditto - of St. Francis	50 - -	50 - -	- - - - -	50 - -	25 - -	
Allowance to the sheriffs of the districts of Quebec, Montreal and Three Rivers, for executions, at 27 <i>l.</i> sterling each.	81 - -	81 - -	- - - - -	81 - -	40 10 -	
Allowance to the sheriff of Gaspé for travelling expenses.	10 - -	10 - -	- - - - -	10 - -	5 - -	
Salary of the coroner at Quebec -	100 - -	100 - -	- - - - -	100 - -	50 - -	
Ditto - ditto - at Montreal -	100 - -	100 - -	- - - - -	100 - -	50 - -	
Ditto - ditto - at Three Rivers	50 - -	50 - -	- - - - -	50 - -	25 - -	
Salary of the coroner at Gaspé -	50 - -	50 - -	- - - - -	50 - -	25 - -	
Ditto - ditto - at St. Francis -	50 - -	- - -	- - - - -	50 - -	- - -	-- Omitted; has never been voted.
Ditto of the clerk of the court and clerk of the peace at Gaspé, and allowance for travelling expenses.	60 - -	60 - -	- - - - -	60 - -	30 - -	
Salary of the clerks of the Crown at Quebec, 40 <i>l.</i> ; at Montreal, 40 <i>l.</i> ; and at Three Rivers, 20 <i>l.</i>	100 - -	100 - -	- - - - -	100 - -	50 - -	
Salary of the clerk of the court of appeals.	120 - -	- - -	- - - - -	120 - -	- - -	-- Omitted, as in 1833.
Allowance to ditto for stationery for the court.	6 - -	6 - -	- - - - -	6 - -	3 - -	
Salary of the usher of the court of appeals.	27 - -	27 - -	- - - - -	27 - -	13 10 -	
Salary of the interpreter to the courts at Quebec.	40 - -	40 - -	- - - - -	40 - -	20 - -	
Salary of ditto at Montreal - -	40 - -	40 - -	- - - - -	40 - -	20 - -	
Ditto - ditto at Three Rivers	25 - -	25 - -	- - - - -	25 - -	12 10 -	
Salary of the high constable at Quebec	36 - -	36 - -	- - - - -	36 - -	18 - -	
Ditto - ditto - at Montreal -	36 - -	36 - -	- - - - -	36 - -	18 - -	
Ditto - ditto - at Three Rivers	27 - -	27 - -	- - - - -	27 - -	13 10 -	
Ditto of the crier of the courts at Quebec.	20 - -	20 - -	- - - - -	20 - -	10 - -	
Salary of the tipstaff to ditto at ditto	18 - -	18 - -	- - - - -	18 - -	9 - -	
Ditto - crier of the courts at Montreal.	20 - -	- - -	- - - - -	20 - -	- - -	-- Omitted, as in 1833.
Salary of the tipstaff of ditto at ditto	18 - -	- - -	- - - - -	18 - -	- - -	- ditto.
Ditto of the crier and tipstaff of ditto at Three Rivers.	25 - -	25 - -	- - - - -	25 - -	12 10 -	
Salary of the crier of the courts in the district of St. Francis.	12 10 -	- - -	- - - - -	12 10 -	- - -	-- Omitted; has never been voted.
Salary of the keeper of the courthouse at Quebec.	54 - -	54 - -	- - - - -	54 - -	27 - -	
Salary of the ditto at Montreal -	72 - -	72 - -	- - - - -	72 - -	36 - -	
Ditto of the ditto at Three Rivers -	36 - -	36 - -	- - - - -	36 - -	18 - -	
Ditto of the keeper of the gaol and court-hall at New Carlisle.	36 - -	36 - -	- - - - -	36 - -	18 - -	
Salary of the keeper of the ditto and ditto at Percé.	36 - -	36 - -	- - - - -	36 - -	18 - -	
Salary of the keeper of the court-hall at Sherbrooke.	18 - -	18 - -	- - - - -	18 - -	9 - -	
Salary of the keeper of the gaol at Quebec.	125 - -	125 - -	- - - - -	125 - -	62 10 -	
Allowance to the keeper of the gaol at Quebec for two turnkeys.	72 - -	72 - -	- - - - -	72 - -	36 - -	
Salary of the keeper of the gaol at Montreal.	125 - -	125 - -	- - - - -	125 - -	62 10 -	
Allowance to ditto for two turnkeys -	72 - -	72 - -	- - - - -	72 - -	36 - -	

SERVICE.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six Months, Sterling.	Explanations.
<i>Judicial—continued:</i>	<i>£. s. d.</i>	<i>£. s. d.</i>		<i>£. s. d.</i>	<i>£. s. d.</i>	
Salary of the keeper of the gaol at Three Rivers.	55 - -	55 - -	- - - -	55 - -	27 10 -	
Allowance to ditto for turnkeys -	72 - -	72 - -	- - - -	72 - -	36 - -	
Salary of the keeper of the gaol at Sherbrooke.	25 - -	25 - -	- - - -	25 - -	12 10 -	
Salary of the physician attending the gaol at Quebec.	200 - -	100 - -	- - - -	200 - -	50 - -	-- Reduced, as in 1833.
Salary of the ditto at Montreal -	200 - -	100 - -	- - - -	200 - -	50 - -	- ditto.
Ditto of the ditto at Three Rivers -	80 - -	50 - -	- - - -	80 - -	25 - -	- ditto.
<i>Contingent Expenses of the Administration of Justice:</i>						
Contingent Bills of the						
Crown law officers - - -	2,200 - -	1,200 - -	- - - -	2,200 - -	600 - -	-- Reduced, as in 1833.
Sheriff of Quebec - - -	1,400 - -	1,200 - -	- - - -	1,600 - -	800 - -	
Ditto of Montreal - - -	1,400 - -	1,200 - -	- - - -	1,900 - -	950 - -	
Ditto of Three Rivers - - -	480 - -	350 - -	- - - -	650 - -	325 - -	
Ditto of Gaspé - - -	100 - -	100 - -	- - - -	150 - -	75 - -	
Ditto of St. Francis - - -	100 - -	75 - -	- - - -	120 - -	60 - -	
Coroner of Quebec - - -	360 - -	350 - -	- - - -	350 - -	175 - -	
Ditto of Montreal - - -	150 - -	125 - -	- - - -	170 - -	85 - -	
Ditto of Three Rivers - - -	35 - -	35 - -	- - - -	75 - -	37 10 -	
Ditto of Gaspé - - -	10 - -	10 - -	- - - -	10 - -	5 - -	
			Contingent bills of the coroner of St. Francis }	25 - -	- - -	-- Omitted; not estimated for in 1833.
Clerk of the Crown at Quebec -	75 - -	75 - -	- - - -	90 - -	45 - -	
Ditto - - at Montreal -	140 - -	140 - -	- - - -	125 - -	60 - -	
Ditto - - at Three Rivers -	45 - -	45 - -	- - - -	40 - -	22 10 -	
Prothonotaries at Quebec -	280 - -	270 - -	- - - -	380 - -	190 - -	
Ditto - - at Montreal -	400 - -	380 - -	- - - -	450 - -	225 - -	
Ditto - - at Three Rivers -	100 - -	75 - -	- - - -	100 - -	50 - -	
Ditto - - at St. Francis -	50 - -	50 - -	- - - -	50 - -	25 - -	
Clerks of the peace at Quebec, and for police purposes.	400 - -	300 - -	- - - -	740 - -	200 - -	-- Reduced, as in 1833.
Clerks of the peace at Montreal, and for police purposes.	420 - -	225 - -	- - - -	630 - -	150 - -	- ditto.
Contingent Bills of the						
Clerks of the peace at Three Rivers, and for police purposes.	250 - -	125 - -	- - - -	400 - -	100 - -	-- Reduced, as in 1833.
Clerks of the courts at Gaspé, and for police purposes.	50 - -	50 - -	- - - -	140 - -	50 - -	- ditto.
Clerks of the courts at St. Francis, and for police purposes.	50 - -	50 - -	- - - -	50 - -	25 - -	
For the service of subpoenas at Montreal, and for care of Crown witnesses.	250 - -	250 - -	- - - -	250 - -	125 - -	
For the service of subpoenas at Quebec	100 - -	100 - -	- - - -	100 - -	50 - -	
For ditto - - at Three Rivers -	60 - -	60 - -	- - - -	70 - -	30 - -	-- Reduced to same as in 1833.
For attendance of needy Crown witnesses at Montreal.	400 - -	400 - -	- - - -	- - -	- - -	Included under the head of "Contingent Bills" of the sheriffs.
For attendance of needy Crown witnesses at Quebec.	100 - -	100 - -	- - - -	- - -	- - -	
For attendance of needy Crown witnesses at Three Rivers.	60 - -	60 - -	- - - -	- - -	- - -	
<i>Pensions:</i>						
Mrs. Dunn - - - -	250 - -	250 - -	- - - -	250 - -	125 - -	
Mrs. Baby - - - -	150 - -	150 - -	- - - -	150 - -	75 - -	
H. W. Ryland - - - -	300 - -	300 - -	- - - -	300 - -	150 - -	
Sir George Pownal, knight -	300 - -	300 - -	- - - -	- - -	- - -	Dead.
Mrs. Elmsley - - - -	200 - -	200 - -	- - - -	200 - -	100 - -	
Mrs. Taylor - - - -	50 - -	50 - -	- - - -	- - -	- - -	Dead.
Mrs. Le Maistre - - - -	50 - -	50 - -	- - - -	50 - -	25 - -	
Miss De Louviere - - - -	21 12 -	21 12 -	- - - -	21 12 -	10 16 -	
Mrs. Rottot - - - -	36 - -	36 - -	- - - -	36 - -	18 - -	
Henry Harwood - - - -	30 - -	30 - -	- - - -	30 - -	15 - -	
Miss Finlay - - - -	20 - -	20 - -	- - - -	20 - -	10 - -	
Miss Mackay - - - -	18 - -	18 - -	- - - -	18 - -	9 - -	
Miss Desbarats - - - -	18 - -	18 - -	- - - -	18 - -	9 - -	
Widow Savageau - - - -	12 - -	12 - -	- - - -	12 - -	6 - -	
Two Misses Montizambert, at 10 <i>l.</i> each.	20 - -	20 - -	- - - -	20 - -	10 - -	
Three Misses Launiere, at 10 <i>l.</i> each -	30 - -	30 - -	- - - -	30 - -	15 - -	
Miss Schinoler - - - -	5 - -	5 - -	- - - -	5 - -	2 10 -	
<i>Surveyor-General's Office:</i>						
Salary of the surveyor-general -	450 - -	450 - -	- - - -	450 - -	225 - -	
Ditto of the first clerk - - -	182 10 -	182 10 -	- - - -	182 10 -	91 5 -	

S E R V I C E.	Amount Estimated for 1833, Sterling.	Amount Voted for 1833, Sterling.	Explanations.	Amount Estimated for 1836, Sterling.	Amount Voted for Six Months, Sterling.	Explanations.
Surveyor-General's Office— <i>continued</i> .	£. s. d.	£. s. d.		£. s. d.	£. s. d.	
Salary of the second clerk - -	150 - -	150 - -	- - - - -	150 - -	75 - -	- - Reduced to same as in 1833.
Allowance for stationery, 20 <i>l.</i> , and office servant, 40 <i>l.</i>	60 - -	60 - -	- - - - -	70 - -	30 - -	- - Omitted, as in 1833.
Expenses of Postages - - -	10 - -	- - -	- - - - -	10 - -	- - -	- ditto.
Ditto of surveys - - -	200 - -	- - -	- - - - -	50 - -	- - -	
Militia Staff and Contingencies:						
Salary of the adjutant-general -	450 - -	450 - -	- - - - -	450 - -	225 - -	
Ditto of the deputy adjutant-general	270 - -	270 - -	- - - - -	270 - -	135 - -	
Ditto of two provincial aides-de-camp	360 - -	180 - -	- - - - -	360 - -	90 - -	- - Salary of one aide-de-camp only voted, as in 1833.
Ditto of a clerk in the office -	123 3 9	123 3 9	- - - - -	123 3 9	61 11 10½	
Ditto of a messenger in the office	60 4 6	60 4 6	- - - - -	60 4 6	30 2 3	
Expenses of stationery, printing and postages.	250 - -	250 - -	- - - - -	200 - -	100 - -	
Miscellaneous Expenses:						
Salary of the grand voyer of the district of Quebec.	150 - -	150 - -	- - - - -	150 - -	75 - -	
Salary of the grand voyer of the district of Montreal.	150 - -	150 - -	- - - - -	150 - -	75 - -	
Salary of the grand voyer of the district of Three Rivers.	90 - -	90 - -	- - - - -	90 - -	45 - -	
Salary of the surveyor of highways at Gaspé.	50 - -	50 - -	- - - - -	50 - -	25 - -	
Salary of the inspector of chimnies at Three Rivers.	25 - -	25 - -	{ Salary of inspector of chimnies at Quebec }	60 - -	- - -	Refused.
Expenses of printing the laws -	1,300 - -	1,100 - -	- - - - -	1,000 - -	500 - -	
Ditto of repair and care of public buildings, keeping up winter roads, &c.	1,250 - -	900 - -	- - - - -	1,000 - -	500 - -	
To be applied in payment of such necessary, unavoidable and unforeseen expenses as may be required for furthering the public business of Government during the year.	1,000 - -	- - -	- - - - -	1,000 - -	- - -	- - Omitted, as in 1833.
Expenses of collecting the Casual and Territorial Revenue:						
Salary of the clerk of the terriers of the King's domain.	90 - -	90 - -	- - - - -	90 - -	45 - -	
Commission to the inspector-general of the domain, on the accounts of quints and lods et ventes.	300 - -	300 - -	- - - - -	300 - -	150 - -	
Expenses hitherto paid out of the Funds arising from the Estates of the late Order of Jesuits:						
Salary of the commissioner for managing the estates.	180 - -	180 - -	{ Voted, provided he be not a member of the Legislative, nor Executive Council. }	180 - -	- - -	Omitted.
Allowance to ditto for a clerk -	90 - -	90 - -	- - - - -	90 - -	- - -	ditto.
Contingent expenses of the office of ditto.	80 - -	80 - -	- - - - -	80 - -	- - -	ditto.
Retiring allowance of H. W. Ryland, esq., late treasurer.	67 10 -	- - -	- - - - -	67 10 -	- - -	- - Omitted, as in 1833.
Retiring allowance of G. H. Ryland, esq., as late secretary to the Board.	45 - -	- - -	- - - - -	45 - -	- - -	- ditto.
Salary of the master of the grammar-school at Quebec.	200 - -	100 - -	{ Voted, provided he do teach gratuitously at least 20 children belonging to destitute persons. }	200 - -	50 - -	- - Reduced, as in 1833.
Allowance for rent of a house for that school.	90 - -	90 - -	- - - - -	90 - -	45 - -	- - Reduced, as in 1833.
Salary of the master of the grammar-school at Montreal.	200 - -	100 - -	- - ditto - - -	200 - -	50 - -	
Allowance for a rent of a house for that school.	54 - -	54 - -	- - - - -	54 - -	27 - -	
Allowance to the secretary of the Royal Institution, for a clerk and contingencies.	36 - -	36 - -	{ Salary to the secretary of the Royal Institution - - Ditto to a messenger to ditto - - - }	36 - -	18 - -	Omitted.
Allowance to ditto, for ditto, for the period between 18th June 1830 and 30th Sept. 1831, at 36 <i>l.</i> sterl. per ann., which has not been paid.	46 17 -	- - -	- - - - -	25 - -	- - -	ditto.
TOTAL AMOUNT, Sterling - - £.	54,604 16 6	47,253 19 6				

N. B.—There were several other small sums contained in the Bill for 1836, which had not been estimated for.

Enclosure 4,
in No. 3.

Enclosure 4, in No. 3.

MEMORANDUM of Items omitted by the House of Assembly in the Six Months' Supply Bill for 1836, though inserted in the Estimates for that Year.

ITEMS ESTIMATED FOR.	AMOUNT in Sterling.		
	£.	s.	d.
Civil secretary's postage - - - - -	1,300	-	-
Contingent expenses attending the care of the building - - - - -	25	-	-
Nine executive councillors (being the whole council) at 100 l. each - - - - -	900	-	-
Assistant clerk to the council - - - - -	182	10	-
Speaker of the Legislative Council - - - - -	900	-	-
Law clerk to ditto - - - - -	180	-	-
Master in Chancery to ditto - - - - -	81	-	-
Keeper of the apartments of the House of Assembly - - - - -	49	10	-
Mr. Justice Gale - - - - -	900	-	-
Judge of Vice-Admiralty - - - - -	200	-	-
Coroner of St. Francis - - - - -	50	-	-
Clerk of the Court of Appeals - - - - -	120	-	-
Crier of the court at Montreal - - - - -	20	-	-
Tipstaff at ditto - - - - -	18	-	-
Crier of the court at St. Francis - - - - -	12	10	-
Contingent bill of the coroner of St. Francis - - - - -	25	-	-
Postage of surveyor-general's department - - - - -	10	-	-
Contingent expenses of surveys - - - - -	50	-	-
Inspector of chimnies, Quebec - - - - -	60	-	-
Unavoidable and unforeseen expenses in furthering public business during the year - - - - -	1,000	-	-
Jesuits' Estates :			
The commissioner - - - - -	180	-	-
Allowance for clerk for ditto - - - - -	90	-	-
Contingent expenses of the department - - - - -	80	-	-
Retired allowance to the Hon. H. W. Ryland, as late treasurer - - - - -	67	10	-
Retired allowance to G. H. Ryland, as late secretary to the board of commissioners - - - - -	45	-	-
Secretary to the Royal Institution - - - - -	90	-	-
Messenger to ditto - - - - -	25	-	-

MEMORANDUM of Items Reduced by the House of Assembly in the Six Months' Supply Bill for 1836.

ITEMS ESTIMATED FOR.	AMOUNT in Sterling.		REDUCED TO, in Sterling.	
	£.	s. d.	£.	s. d.
Stationery, printing, &c. in the Civil Secretary's Office - - - - -	600	- -	400	- -
Rent of the Office for registering Grants of Crown Lands - - - - -	54	- -	45	- -
Contingent expenses of fuel in public offices - - - - -	100	- -	75	- -
Allowance for two clerks and contingencies for the inspector-general of public accounts - - - - -	200	- -	100	- -
Allowance for judges' circuits - - - - -	475	- -	375	- -
Contingent bills of Crown law officers - - - - -	2,200	- -	1,200	- -
Clerks of the peace, Quebec, and for police purposes - - - - -	740	- -	400	- -
Ditto - - - - Montreal ditto - - - - -	630	- -	300	- -
Ditto - - - - Three Rivers ditto - - - - -	400	- -	200	- -
Clerks of the courts at Gaspé - - - - -	140	- -	100	- -
For subpoenas, care of Crown witnesses for the criminal terms of Three Rivers - - - - -	70	- -	60	- -
Allowance for stationery and office servant for the surveyor-general's department - - - - -	70	- -	60	- -
Provincial aides-de-camp - - - - -	360	- -	180	- -
Master of the grammar school at Quebec - - - - -	200	- -	100	- -
Ditto - - - - - at Montreal - - - - -	200	- -	100	- -
Physician to the gaol, Quebec - - - - -	200	- -	100	- -
Ditto - - - - - Montreal - - - - -	200	- -	100	- -
Ditto - - - - - Three Rivers - - - - -	80	- -	50	- -

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 7 June 1836.

His Majesty having had under his consideration the address of the House of General Assembly of Lower Canada, on the state of public affairs in that province, has commanded me to convey to the House, through your Lordship, the following answer.

The King contemplates with deep regret the ill success of His Majesty's efforts to remove from the minds of the representatives of the people of Lower Canada those distrusts and jealousies with which they appear unfortunately to have been affected. Conscious however that his measures have been dictated by an earnest solicitude for the welfare of all classes of his Canadian subjects, unmixed with any motive of a less just and liberal character, His Majesty awaits with tranquillity the result of this long and painful discussion, assured that when the misconceptions of the moment shall have passed away, his labours for the prosperity of Lower Canada will be repaid by the confidence of the inhabitants of that province, of whatever class or national origin.

His Majesty is sustained and encouraged in these hopes by observing that the House of Assembly were led to grant the supplies only for six months, and to prefer their present complaints, apparently in consequence of the publication of some detached passages from my despatch of the 17th of last July, on which passages the House have founded the remark, "that the researches authorized by His Majesty for the purpose of ascertaining the means of doing justice to his Canadian subjects were on several of the most essential points, limited by preconceived opinions and anticipated decisions."

This supposition even if it had received any countenance from the insulated extracts from my instructions to you and your colleagues in the Canada Commission, which were brought under the notice of the House of Assembly, would have been entirely removed if the House had been in possession of the whole of those instructions. They would have found not only that the general tenor of those instructions favoured an entire freedom of inquiry and judgment by the Commissioners, but that the most unequivocal language had been studiously employed for the express purpose of counteracting the opposite opinion. I know not how it would have been possible to have expressed His Majesty's gracious intentions in terms stronger or more unambiguous. In my despatch of the 17th July last, I stated that "although your duty as Commissioners would be exclusively to inquire, to deliberate and to report, yet within the sphere of that duty you were placed under no restrictions, excepting such as the necessity of the case or your own judgments might prescribe."

I concluded my instructions by "disclaiming the remotest intention of fettering your discretion, or of restricting in any degree the exercise of your own judgments, either as to the subjects of inquiry, or the opinions at which you might arrive." I observed that "in the course of your investigation new topics would occur to you, and new views of topics already familiar would present themselves." "You will not" I added, "on any occasion or for any reason shrink from the explicit declaration of your sentiments. You will not decline any inquiry, the prosecution of which may promise benefit to the colony or to the mother country."

If the whole of my despatch of the 17th of July had been before the House of Assembly, they would have found in these and in other passages a sufficient disproof of the supposition that your inquiry was limited by any preconceived opinions or anticipated decisions.

It is indeed true that in approaching this subject, I recorded reasons which strongly enforce the closest possible adherence to the existing constitution of Provincial Government. In every part of his extensive dominions it has been the constant object of His Majesty to correct real abuses, and to introduce such improvements as the existing state of society and the deliberate voice of public opinion, have appeared to demand. But to reconcile necessary changes with the stability of political and social institutions has been no less an object with His Majesty. At once to reform in the spirit of the constitution, and to oppose changes conceived in a contrary spirit, is a duty which the King will never shrink from avowing his intention to fulfil.

No. 4.

In conformity with this rule you were directed to "apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution, and considering of what amendments it may be susceptible." You were also informed that "when your Report should have been received, His Majesty would take into his most serious consideration the questions whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature; and which, being founded on the principles and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of that statute more conformable to the wishes and intentions of its framers."

If it be inquired what definite meaning is to be attached to the terms which I have thus employed, I answer that the principle of the Constitution of 1791 is, that there shall be two distinct and independent Houses of Legislature. Adhering to this general principle, it remains for your Lordship and your colleagues, acting on the instructions addressed to you as Commissioners, to inquire how the most effectual means can be taken for securing such a Legislative Council as shall enjoy at once a due share of public confidence, and a full exercise of an enlightened and independent judgment on all matters submitted for its consideration.

The fears of some and the hopes of others, have placed a more narrow construction on the extracts from my despatch of the 17th July. In disavowing that meaning, I make no new concession, but simply adhere to the views which I was honoured by His Majesty's commands to express before. Such as the intentions of His Majesty's confidential advisers were on this subject in July last, such they still continue.

The address further advances a complaint connected with the Executive Government of Lower Canada; a complaint which does not find a place either in the 92 resolutions of 1834, or in any of the earlier addresses or votes of the House of Assembly. The House now, however, state the necessity of establishing in the province what is termed "a responsible and popular government." Understanding these expressions in their obvious sense, His Majesty is happy to declare that they do not advance beyond the principles by which it is his pleasure and command that the Executive Government of Lower Canada should be administered. It is His Majesty's desire and injunction that full and early explanations should be afforded to the representatives of the people of all important measures adopted by the Government; that the Assembly should enjoy the most ample opportunity of explaining, both to the King himself and to His Majesty's representative in the province, their opinions and their wishes respecting every such measure; that the imputed misconduct of any public officer, with the exception of course of His Majesty's representative, the Governor, who must be responsible directly to the King and the Imperial Parliament, should be closely and impartially investigated; that means should be devised for bringing to trial and punishment within the province itself every such officer to whose charge any malversation in office may be laid; and that effectual security should be taken for the zealous co-operation of all subordinate officers in every measure advised by the Legislature, and sanctioned by the King, for the general welfare of His Majesty's subjects.

The address of the Assembly calls upon His Majesty to recommend to Parliament the repeal of the British Statute respecting the tenures of land in Lower Canada. If the House had been in possession of my despatch of the 17th of July, they would have probably waived this application. They would have been aware that the reluctance of the King to recommend to Parliament any measure which could be plausibly represented as an unnecessary interference with the internal affairs of the province is the single obstacle to the introduction of a Bill on that subject.

The address proceeds to demand the repeal of the Act, and the revocation of the charter under which the British North American Land Company is incorporated, and the resumption of the lands which have been sold to them. I shall not, I trust, be thought forgetful of what is due to the privileges and dignity of the House, if I do not shrink from the avowal of any opinion deliberately entertained by the Ministers of the Crown, though it be not in accordance with the sentiments of the representatives of the Canadian people. I must, therefore, state that His Majesty's Government cannot proceed to the consideration of the questions raised by the Assembly respecting the British North American Land Company, unless it can first be established, in due course of law, that the claim of the

the company to their corporate character, and to their lands, is invalid. No considerations, however urgent, of temporary or apparent expediency, not even the desire to conciliate the goodwill of the Assembly of Lower Canada, than which no motive can be of greater weight, could reconcile His Majesty to a measure the principle of which would endanger the foundation of all proprietary titles and all social rights.

The remaining topics embraced in the address require, on the present occasion, no very lengthened notice, because, when attentively considered, that document does not appear to advance any principle respecting them essentially different from those which are admitted or maintained in my despatch of the 17th of July.

Respecting judicial independence, the Assembly frankly admit the entire coincidence between the opinions of His Majesty's Ministers and their own.

With regard to the settlement and management of the uncleared lands, and to all questions of finance, I trust that I am not mistaken in supposing that no essential difference in principle exists between the sentiments contained in the address and those expressed in my despatch of the 17th July.

And now, referring to the preceding remarks, I conceive myself entitled to state, that there did not exist during the last session any real or substantial difference of opinion between the Ministers of the Crown and the House of Assembly on any question regarding which His Majesty's Government felt at liberty to take any immediate proceeding. No single complaint had been alleged which had not been either promptly removed or made the subject of impartial inquiry. No maladministration of the affairs of the province was imputed to your Lordship. Without any actual controversy with the Executive Government, the House however declined a compliance with the proposition to provide for the arrears and for the supplies pending the inquiry. His Majesty does not deny that this is a power which the law has entrusted to the representatives of the people; but he cannot admit that on the present occasion the recourse to the exercise of that power can be attributed to any indisposition on the part of His Majesty to accord the fullest measure of justice to His Canadian subjects. On a review of all the circumstances of the case, His Majesty's Government are led to the conclusion that the course pursued by the House is to be ascribed to the misapprehension of the tenor of your Lordship's Instructions, induced by the publication of a few detached passages from them. Your Lordship will therefore communicate to the House a complete copy of those Instructions, and will renew your application for the arrears now due to the public officers, and for the funds necessary to carry on His Majesty's service.

I have, &c.

(signed) *Glenelg.*

— No. 5. —

EXTRACT of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 8th June 1836.

My Lord,

I HAVE to acknowledge the receipt of your Lordship's despatches of the 10th and 12th March.

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It can scarcely be necessary for me to assure you that none but motives of the most urgent nature would have induced me to postpone, till the present time, the answer to those communications. I abstain from entering into an explanation of the causes of that delay, except to observe that the consideration of the posture of affairs in Upper Canada has not failed to enter largely into the deliberations of His Majesty's Government on this occasion.

* * * * *

In my despatches of July last, the general principles by which you are to be guided have been fully laid down, and the communications which I have since received from your Lordship, prove that you have clearly understood those principles, and are prepared to act firmly and consistently upon them. The confidence which His Majesty's Government have placed in your zeal and sound judgment has been confirmed by every report which they have received of your proceedings. They feel therefore that in referring to your discretion the measures now to be taken, they not only secure the great object of consistency in the proceedings of the

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respective Governments of the Canadian provinces, but are best consulting for His Majesty's service, and for the welfare of his subjects at large.

You will not, I am persuaded, suppose that in adopting this course, the Ministers of the Crown are seeking to shrink from the responsibility which justly attaches to them, or to impose on you an undue share of it. You will, with your wonted candour, feel that we are actuated by no other motives than the apprehension of impeding measures which it is scarcely possible that we should safely direct, and you will undertake the duty thus committed to you with that fearless and single-minded determination to promote the welfare of the important province under your government, by which your administration of its affairs has hitherto been characterized.

In order that you may be able to act with the requisite freedom, it is however necessary that I should shortly explain the motives which have induced the Government to decline a compliance with the recommendation made in the Report of the 13th March, of your Lordship and your colleagues in the Canada Commission.

That Report proceeds upon a supposition, that a crisis had arrived requiring an extreme remedy; and if His Majesty's Government were satisfied that this is really the case, they would be ready to consider what would be the proper measures to be adopted in such an emergency. At present, however, they do not feel themselves called upon to give any opinion on that subject, because it does not appear to them that the extremity assumed in the Report actually exists. It is true that the House of Assembly have refused the supplies for more than six months, and have presented complaints to the Throne, calling at the same time for an early reply. But on a review of all that has passed, the conclusion seems to be warranted, that the House have so acted under a misconception of the instructions issued to your Lordship and your colleagues, as Commissioners of Inquiry.

I have already signified to your Lordship His Majesty's approbation of the speech with which you opened the late Session of the Assembly. The peculiar circumstances under which you assumed the Government of Lower Canada required a full exposition of the views and policy of His Majesty's Government, with reference to that country, and such an exposition was given by that speech. At the same time, in communicating to the Assembly of the Province, the substance and not the copies of your instructions, you adopted a course which was in conformity with that usually followed by the representatives of His Majesty on opening the session of Provincial Legislatures. Feeling himself called on to adopt a different course, Sir F. Head unconsciously conveyed to the public in both provinces an impression of the nature of the instructions under which your Lordship and your colleagues were acting, not merely imperfect, but materially inaccurate. The portions of those instructions quoted in my despatch to Sir F. Head, were detached from the context by which they were explained and illustrated, the object with which I wrote to Sir F. Head not demanding such illustration and explanation. When the comparatively brief epitome of them contained in your speech at the commencement of the session, came to be collated with those detached passages from the original, I do not think it a just matter of surprise that the comparison should have occasioned considerable perplexity. Unworthy and incredible as were the suspicions thus originating, it is yet a subject rather of regret than of astonishment, that in the excited state of the public mind, and in the strife of contending parties, means should have been found to propagate distrust, and to have induced a belief that the real intentions of His Majesty's Government were less just and liberal than the Assembly, judging from your Lordship's speech, had inferred them to be.

In my despatch of the 7th instant, I have pointed out what I conceive to have been the misapprehension under which the House of Assembly laboured, as to the terms and meaning of the instructions respecting the constitution of the Legislative Council. If the view taken in that despatch be correct, it is clearly just that the House should not be held to be committed to a course adopted under a misconception, but should have an opportunity of reconsidering the subject with the full information as to the views and intentions of His Majesty's Government, which they will have derived from the perusal of the whole of the instructions addressed to your Lordship and your colleagues.

The most obvious course of proceeding is, therefore, that of convening an immediate Session of the Legislature of Lower Canada, to afford them the opportunity for such re-consideration, and, with that view, I have addressed to your Lordship my accompanying despatch, of the 7th instant. In pursuance of the principle already mentioned,

mentioned, His Majesty's Government, however, refer exclusively to your Lordship's decision the propriety of holding such a session, and the time at which it should be convened. If you should decide on taking that step, it would be premature, until the result of it should be known, to consider any other expedients, whatever might be their character.

If your Lordship should see fit to hold a session for the purpose I have mentioned, you will act according to your own judgment upon the various questions which will then arise; such, for example, as the granting or withholding any funds which the Assembly may require to meet their contingent expenses, the prorogation of the session, and even the dissolution of the Assembly, if, on mature reflection, that course should seem to you expedient. In the same manner it will be for your Lordship to decide whether sound policy will require the dissolution of the House before another meeting shall take place.

It is in the same manner referred to your own judgment to consider what may be the most judicious mode of applying to the public service in Lower Canada the future receipt from the hereditary and territorial revenue.

So long as you shall adhere to the general principles of the instructions which you have already received, it is His Majesty's pleasure and command that you should act according to your own judgment in whatever manner you may think best adapted to meet the exigencies, not of Lower Canada only, but generally of His Majesty's British North American Provinces.

An attempt has indeed been recently made to urge His Majesty to an instant decision upon some of the most important subjects committed to your Lordship and your colleagues for your and their investigation and report; the attempt has been resisted, and for the best reasons.

When, in the summer of 1835, His Majesty's Ministers advised the King to institute the inquiries with which your Lordship and your colleagues are charged, and declared the Report of the Commissioners must precede any decision on the main questions in debate, they acted under the influence of reasons, in the force and justice of which they then placed, and still continue to place, confidence. Unexpected occurrences, indeed, have subsequently affected the grounds of their anticipations as to the probable results of that mission. But although obliged to shape their course in some degree according to the pressure of circumstances, yet His Majesty's Ministers will not be diverted by the events to which I refer, from a prosecution of the general plan of conduct which they had prescribed to themselves. Adhering to the opinion that on the main questions in debate, they require for their assistance the information and suggestions to be supplied by the Reports of the Commissioners, they intend still to await the arrival of those reports, and will not consent to be hurried into premature and precipitate conclusions.

I must here observe, that the Report of the Commissioners of the 13th March cannot be taken as conveying a final and deliberate judgment formed in reference to general and permanent considerations, rather than to passing circumstances and agitations. It has, on the contrary, a direct relation to the immediate condition of the province at that moment. The Commissioners expressly state, that under other circumstances they would probably have thought it proper to defer their Report on one important subject until they had made more detailed inquiries; but that if their opinion be now required, at once and without further consideration, they must give it as there recorded.

On the topic which is immediately referred to in the foregoing remarks, and on the other main subjects of your inquiries, His Majesty's Government will expect the Report of the Commissioners, after the fullest research and deliberation, by the close of the present summer. Twelve months will then have elapsed from your arrival in Canada, a period sufficiently long for coming to a mature judgment on all the principal questions in debate; to delay your final Reports to a later period might occasion, and perhaps justify, complaint.

In my despatch of the 17th July 1835, I have stated that your Lordship would be at liberty to apprise the public officers of the province that the Ministers of the Crown unreservedly acknowledge it to be their duty to employ all constitutional means for the protection of the public servants against the loss of emoluments earned in His Majesty's service. This communication, therefore, has probably been made to them; you will now state to them that, although circumstances prevent the immediate liquidation of their demands in full, yet His Majesty's Ministers do not the less admit the obligation of the pledge already given for their ultimate satisfaction.

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If your Lordship should, on the receipt of this despatch see fit, in the exercise of your discretion, to hold a session of the Assembly, and to communicate to them the accompanying answer from His Majesty to the last Address of the House, I would yet indulge the hope that on the receipt of that communication the House of Assembly may see reason to lay aside that mistrust and jealousy of His Majesty's Government which they have hitherto entertained, and to make provision for defraying the arrears, and for providing for the public service of the province; but even if this hope should be disappointed, I shall not regret that the opportunity of reconsidering their decision has been offered to the Assembly. Whatever course may then become necessary will at least have this vindication, that it was not taken until every other resource had been exhausted; the representatives of the people deliberately adhering to the extreme exercise of their powers, without any complaint, either just or plausible, against the Executive Government.

If we may judge from what has passed in Parliament, it would seem that the appropriation under my instructions of the territorial and hereditary revenue will be complained of as an infringement of the rights of the Assembly, and an unlawful use of money of which they alone had the right to dispose.

The title, however, of the Crown to the funds in question, rests on the clearest grounds of usage; of the practice of all other colonies, of legal authority, and of constitutional principle. The use made by the Crown of that right on this occasion is vindicated on considerations, not merely of policy, but of justice and public duty.

As the House of Assembly, in their address to His Majesty, have expressed their hope that the Provincial Parliament will be called together for its next session at an early period, it seems scarcely necessary to suppose the case that the House may refuse to meet at all in sufficient numbers for the transaction of business; nor should I have adverted to a contingency so improbable, had it not been rumoured in this country that this is the course actually contemplated by the members of the Assembly. If such an event should occur, or if the House should meet and refuse supplies, it will be for you to consider whether an immediate dissolution would be advisable. And if, in reference to the state of public feeling in the province, and the probable result of such a measure, such should be your opinion, you will proceed to act accordingly. This matter is, however, in pursuance of the principle already so often noticed, left entirely to your discretion.

It appears to me indispensable to the right conduct of these affairs, that your Lordship and Sir F. Head should maintain the most constant and unreserved intercourse with each other, on every question in which the two provinces are jointly interested; and that you should, to the utmost possible extent, act in concert and harmony with each other. I shall immediately address corresponding instructions to that officer.

I cannot conclude this despatch, without expressing to your Lordship how deeply, in common with my colleagues, I feel for the situation in which you are placed. You are called to exercise duties highly honourable indeed but painful and ungracious. That you will be sustained in the discharge of them by your zeal for His Majesty's service, and by the conscious sense of the upright and benevolent motives by which you are animated, His Majesty's Government entertain the fullest confidence; but they do not the less regret that the strength and soundness of your public principles should be subjected to so severe a test.

I have, &c.

(signed)

Glenelg.

— No. 6. —

No. 6.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle of St. Lewis, Quebec, 28th Sept. 1836.

I HAVE the honour herewith to transmit a copy of the speech with which I opened the session of the Provincial Parliament on the 22d instant, together with copies of the Addresses of the Legislative Council and House of Assembly, in answer to it, and my replies to each.

I have, &c. &c.

(signed)

Gosford.

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Enclosure 1, in No. 6.

Gentlemen of the Legislative Council, Gentlemen of the House of Assembly,
THE events which marked the close of last session of the Provincial Parliament have occasioned your being convened at this unusual season of the year.

Enclosure 1,
in No. 6.

The Address on the state of the province then voted to His Majesty by the House of Assembly having been laid at the foot of the Throne, I feel it my duty to avail myself of the earliest opportunity of communicating the answer which His Majesty has been graciously pleased to return thereto. I shall therefore transmit a copy of it, in the usual way, to the House of Assembly; and shall, at the same time, in obedience to the King's express commands, place before both Houses the instructions under which I assumed the government of this province, as well as those addressed to myself and my colleagues in the Royal Commission.

Gentlemen of the House of Assembly,

In compliance with the injunctions of His Majesty, I have again to recommend to your attention the estimates for the current year, and also the accounts, showing the arrears due in respect for the civil government, which were laid before you during the last session. The King has observed that you were induced, in that session, to grant the supplies only for six months, and to prefer the complaints contained in your Address, apparently in consequence of the publication of a few detached passages from the instructions to which I have alluded, and of inferences drawn from them, which a knowledge of their entire contents must be expected to remove. His Majesty thinks it therefore but just that you should not be held to be committed to a course adopted under a misconception, but should have an opportunity of reconsidering your conclusions with the full information as to the views and intentions of His Government, which you will derive from the perusal of the whole of the documents to be laid before you; and he trusts that upon your becoming acquainted with their general tenor and spirit you will accede to the application which I made to you at the commencement of the last session, and which I am commanded now to renew, for payment of the arrears due on account of the public service, and for the funds necessary to carry on the civil government of the province.

That the business of government cannot be carried on successfully whilst the salaries of the public servants remain unpaid, is too obvious, I hope, to leave room for a suspicion on the mind of any one that, in making this renewed demand for the liquidation of these just claims, either His Majesty's Ministers in England, or I, who bear his delegated authority in this province, can have any object in view separate from the public good.

Gentlemen of the Legislative Council, Gentlemen of the House of Assembly,

As this meeting of the Legislature has been convened for the purposes I have already mentioned, and as a prolonged absence from your homes at this particular season of the year may be attended with inconvenience to you, it is not my present intention to recommend any other matters to your consideration. I cannot, however, refrain from congratulating you on the summer having passed away without any signs of epidemical disease, for which we ought to feel deeply thankful, nor from publicly expressing my gratification at the reception I everywhere met with in my recent visits to different parts of the province.

It is to me matter of the highest satisfaction to know that the exposition which I made to you at our first meeting of the views and policy of His Majesty's Ministers towards this country, and of the principles which should guide me in the administration of its affairs, is fully borne out by the documents I shall lay before you, and has met with the approbation of my Sovereign. From the day I entered on my arduous duties, I have, to the very utmost of my ability, acted up to the principles I professed; nor have I ever ceased to remember that the two first objects of my government were, the removal of abuses, and the reconciliation of opposing parties. By caution, by forbearance, and by the exercise of what I believe to be a liberal policy, I have sought to promote the welfare of the country, and to gain your confidence. If I succeed in this latter object, I shall rejoice at it, principally because it will afford me the means of doing the greater good; and if I fail of success, I shall always be consoled by the consciousness of having laboured earnestly to deserve it.

Castle of St. Lewis, Quebec, 22 Sept. 1836.

Enclosure 2, in No. 6.

To His Excellency the Right Honourable *Archibald* Earl of *Gosford*, Baron Worlingham of Beccles, &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, beg leave to return our humble thanks for your speech from the throne, and we conceive that the present state of the province and the events which marked the close of the last session of the Provincial Parliament, fully justify your Excellency in having called us together at this unusual season of the year.

We participate in the general interest which must be produced by the answer of His Majesty to the Address of the House of Assembly on the state of the province; and we

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shall receive with the attention due to the importance of the subject the communication of the instructions under which your Excellency assumed the administration of the Government, as well as those addressed to your Excellency and to your colleagues in the Royal Commission, which the King has been pleased to command to be laid before the two branches of the Provincial Legislature.

We agree with your Excellency that it is a principle too obvious to be denied that the administration of the government cannot be satisfactorily carried on whilst the salaries of the public servants remain unpaid.

We duly appreciate your Excellency's consideration for our personal convenience in not wishing to cause a prolonged absence from our homes at this particular season of the year by the recommendation of any other matters to our attention than those which your Excellency has specially mentioned in your Speech. We humbly join with your Excellency in the expression of our thankfulness to Divine Providence that the summer has passed away without any appearance of epidemical disease, and we are pleased to learn that your Excellency was gratified at the reception which you everywhere met with in your recent visit to the different parts of the province.

It must be a matter of the highest satisfaction to your Excellency to know that the exposition which you were pleased to make to us at our first meeting of the views and policy of His Majesty's Ministers towards this country; and of the principles which should guide your Excellency in the administration of its affairs, is fully borne out by the documents your Excellency will lay before us, and which you acquaint us has met with the approbation of our Sovereign, and we concur with your Excellency in believing that caution, forbearance and the exercise of a just and liberal policy are the true means of promoting the welfare of the country.

Legislative Council, Monday, 26 September 1836.

Enclosure 3, in No. 6.

To His Excellency the Right Honourable *Archibald* Earl of *Gosford*, Baron Worlingham, of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief and over the Provinces of Lower and Upper Canada, &c. &c. &c.

Enclosure 3,
in No. 6.

May it please your Excellency,

WE, His Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, humbly thank your Excellency for the speech delivered from the throne at the opening of the present session. We in like manner express our thanks for the promptitude with which his Majesty's Government has, as your Excellency has been pleased to inform us, in compliance with the desire expressed by us in the last session, sent so early an answer to the Address then voted by us, after mature deliberation, upon the state of the province. We beg your Excellency to be assured that that Address contained the faithful and sincere expression of our wishes, opinions and wants, at the same time that it was calculated to remove every doubt respecting the spirit of liberality in which this House would receive the necessary reforms in the institutions and administration of the government of this province, so long prayed for by this branch of the Legislature and by the body of the people. We therefore trust that the answer will be explicit and satisfactory, and tend speedily to remove the obstacles which have hitherto prevented the correction of abuses, the redress of grievances and the prosperity of the province.

With this hope, whatever inconvenience we may suffer from the particular season of the year in which the Legislature has been assembled, any personal sacrifice will be deemed of little moment; and we beg to assure your Excellency, that on every occasion in which we are called upon to exercise the powers entrusted to us, we shall consider it one of the highest and most imperative of our duties to devote our attention to the removal of evils under which the people of this province have laboured and still continue to labour, and to protect them from the effects of a system which has corrupted the Provincial Government and which has even driven the highest authorities in the empire to acts and measures injurious to the liberties of His Majesty's faithful Canadian subjects.

We have not deemed it necessary to enter in detail upon the consideration of the various subjects adverted to by your Excellency, until such time as, according to promise, your Excellency shall have more fully communicated to us the reasons which have caused the convocation of the Provincial Parliament. Your Excellency, in limiting the subjects to which you have called our attention under the present circumstances, has, no doubt, been actuated not only by the motives expressed by your Excellency, but moreover by the consideration, that although this House has, during the great length of the last session, zealously laboured for the welfare of the province, and with that view adopted many measures which we deemed to be in accordance with the intentions of His Majesty's Government, our labours have been rendered abortive in consequence of the systematic rejection by the Legislative Council of all the projects of law calculated to remedy the past, to protect the people for the future, to enlighten them and advance their moral welfare, to improve their social and physical condition, and to entrust them with those powers and influence in the constitution, the administration of laws, and the management of their local affairs, to which they are entitled and which are guaranteed to them by the very principles of government.

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The circumstance of that body having continued unchanged, must necessarily preclude the idea that His Majesty intended to harass the country by the repetition during the present session of scenes so discreditable to the vicious constitution, which it is notwithstanding attempted to uphold. Your Excellency, as well as the authorities of the mother country, must now be convinced that the best intentions of the head of the Provincial Government, and partial reforms in the details of the administration, must constantly prove abortive, when opposed to a system convulsed by elements essentially adverse, and in which we behold, on the one hand, the people in conjunction with this House, demanding the unrestrained exercise of the powers and rights of British subjects, with a government established upon a just basis applicable to the condition of the province, together with the maintenance of guaranteed and endeared institutions; and on the other hand, a branch over which the country has no control, which has invariably shown itself hostile to its institutions and its inhabitants, and which has not ceased to excite and to foster attempts at disorganization, oppression, divisions and hatred, political ascendancy and exclusive rights for one portion of the people, and degradation for the mass of Canadians of every origin, the most attached to the permanent interests of the country and the best adapted to strengthen the Government. It is between these two irreconcilable systems that we trust His Majesty's Government have come to a determination in accordance with our humble prayers. If our hopes be realized, we feel certain that the rules which your Excellency declares to have guided you in the discharge of your arduous duties, caution, forbearance and the exercise of a liberal policy, cannot fail of success.

We are convinced of the sincerity of your Excellency when you declare that you will rejoice in having sought to promote the welfare of the country and to gain its confidence, and that one of the first objects which your Excellency has endeavoured not to lose sight of has been the removal of abuses. We entreat your Excellency to fulfil, as far as it lies in your Excellency's power, the arduous task which has been assigned to you, and above all, we beseech your Excellency, in pursuance of the attachment which your Excellency declares that you feel towards Canada, to be pleased not to rest satisfied with partial and ineffectual reforms, but to ascend to the source of the evils under which we suffer, and to become the lasting benefactor of the country, by helping to secure to the people and to this House the exercise of all their rights, to procure the repeal of such legislative enactments as have encroached thereon, and the removal of the abuses which have fettered the exercise thereof, and to introduce in our institutions, particularly in the constitution of the Legislative Council, those changes confidently demanded by this House and by the people, in such a manner as to fix the Provincial Government upon a firm and liberal basis, and thereby to afford us a pledge of future prosperity, and, conformably to our expressed conviction, many years of security, peace and happiness.

(signed) *L. J. Papineau,*
Speaker of the House of Assembly.

House of Assembly,
Quebec, Saturday, 24th September, 1836.

Enclosure 4, in No. 6.

Mr. Speaker, and Gentlemen of the Legislative Council,

I THANK you for this Address, and, in pursuance of my promise at the opening of the session, I shall cause to be laid before you without delay a copy of my instructions as Governor-in-Chief, and of those addressed to myself and my colleagues in the Royal Commission.

Castle of St. Lewis, Quebec, 28th September, 1836.

Enclosure 4,
in No. 6.

Enclosure 5, in No. 6.

Mr. Speaker, and Gentlemen of the House of Assembly,

I thank you for this Address, and I shall take care that, in pursuance of the promise made in my speech from the throne, no time shall be lost in laying before you the answers of our most gracious Sovereign to your Address of last session on the state of the Province. I shall at the same time cause to be communicated the other documents which His Majesty has commanded to be presented to you.

Castle of St. Lewis, Quebec, 27th September, 1836.

Enclosure 5,
in No. 6.

— No. 7. —

No. 7.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle St. Lewis, Quebec, 1st October, 1836.

IN pursuance of the intention expressed in the speech with which I opened the present session, I transmitted, on Monday the 26th ultimo, a copy of His Majesty's answer to the Address voted to him by the House of Assembly on the state of the Province towards the close of the last session. This was referred to

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a Committee of the whole House, who have reported an Address, adopted by the House on the 30th, and which is to be presented to me on the 3d instant. By this Address, a printed copy of which is enclosed, your Lordship will perceive that the House adhere to the sentiments and conclusions contained in their Address to His Majesty, and declare that they will grant no supplies until their demands are first conceded. They add that it is incumbent on them, in the present conjuncture, to adjourn their deliberations until His Majesty's Government shall by its acts, especially by the introduction of the elective principle into the Legislative Council, have complied with what they consider the wishes and wants of the people.

Many of the members will leave Quebec this day, and a sufficient number will not remain, it is supposed, to make a quorum for the dispatch of business after the 3d instant. In these circumstances it is useless to continue the session; I shall therefore prorogue the Parliament on that day, after receiving the Address. Time will not permit me now to dwell on the peculiar situation in which the affairs of this province are thus placed. His Majesty's Government must at once see the pressing necessity of taking into their serious and immediate consideration what course must now be pursued to meet the exigencies of the present crisis.

I have, &c.

(signed)

Gosford.

No. 8.

— No. 8. —

COPY of a DESPATCH from the Earl of *Gosford* to Lord *Glenelg*.

My Lord,

Castle of St. Lewis, Quebec, 3d October 1836.

I HAVE the honour to transmit herewith a printed copy of an Address, which I have this day received from the House of Assembly, in reply to His Majesty's answer to their Address of last Session on the state of the Province. I also enclose a copy of my reply to the House.

I have, &c.

(signed)

Gosford.

Enclosure 1, in No. 8.

Enclosure 1,
in No. 8.

To his Excellency the Right Honourable *Archibald* Earl of *Gosford*, Baron Worthingham of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Vice-Admiral of the same, and one of His Majesty's Most Honourable Privy Council, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, respectfully approach your Excellency for the purpose of further replying to certain parts of the speech which it pleased your Excellency to deliver at the opening of the present session; also to a despatch from His Majesty's Principal Secretary of State for the Colonies, dated Downing-street, 7th June 1836, which, with various documents, you were pleased to cause to be laid, according to promise, before us.

Referring to our Address to His Majesty on the state of the province, dated 26th February 1836, we assure your Excellency, as we have already done on a recent occasion, that it contained the faithful expression of the views, opinions and wants of this House, as well as of the people whom it represents. We have not as yet been able to discover any misconceptions or any misunderstanding on our part of a nature to change the views which we then entertained on the divers subjects treated therein, or suggest other means for their accomplishment. We still believe it to be our duty, as well as for the advantage of the people, to persist in the same demands, in the same declarations, and particularly in the demand of an Elective Legislative Council. Our opinion on the position of the country at the present epoch, as expressed in our answer to your Excellency, dated the 24th of this month, will show how ill justified we should have been in departing therefrom. We trust that His Majesty's Government will not, after mature deliberation, entertain any doubt as to the correctness of our statements and assertions, particularly of the necessity of changing, conformably to the prayers of this House and of the people, a branch of the legislature which has, with narrow and self-interested views, and moved by party spirit, interposed itself, of late more than ever, between the country and metropolitan state, and destroyed all our attempts to aid in the reparation of abuses, and by causing the result of our labours to reach the foot of the throne, to enable his Majesty's

Government

Government to confirm us in the belief of the sincerity of its intentions and promises. We respectfully submit, that although the evils and grievances which oppress the country have not been caused by us, we have spared no pains to terminate the same: those efforts have all failed in that branch, and we are firmly convinced that all measures of a just and liberal nature will hereafter constantly fail therein. The remedy is within the reach of His Majesty's Government. We shall see it applied with the most lively satisfaction; and however sincere may be His Majesty's desire to witness the entire removal of the grievances of the country, we can furnish in proof of a desire equally sincere on our part, the manner in which we promised, in our Address above mentioned, to welcome the reforms which we still expect, and the spirit of liberality and concession which accompanied that expression of our hopes.

There is, in the more recent dispositions of the Government in reference to the full and unrestrained exercise of the rights of this Legislature, a point which bears essentially on the character of the present Legislative Council, which we pray His Majesty not to lose sight of; that is, that although in principle His Majesty's intention of leaving to the Provincial Legislature the repeal of certain injurious laws, and the adoption of new provisions favourable to the institutions and to the liberties of this province, in whatever concerns its particular interests, be constitutional in its nature, and a wise acknowledgment even of the principle of our position, the effect thereof has been and will be practically impossible in consequence of the anomaly which the existence of the said Legislative Council has created in the Legislature of this province. And we express our constant and unalterable conviction, guided by the principles of the constitution itself and a long and sorrowful experience, that this state of violent opposition cannot be changed until the principle of popular election shall be introduced into the constitution of the said Council, so as to have a second distinct branch, agreeably to what the existing state of society and the deliberate voice of public opinion require, and which shall enjoy at once a due share of public confidence and a full exercise of an enlightened and independent judgment; a result so much to be desired, that, in the said despatch, the Ministers of the Crown have found therein one of the essential principles of the Act of 1791. We therefore dare to flatter ourselves that the pretensions and errors of the past will be forgotten, and that this great question will be considered in its full extent, in its connexion as well with the principles as with the practice of the constitution, and not as regards peculiar reluctances or preconceived opinions, respecting which it has pleased His Majesty, in the said despatch, to remove our fears concerning the future.

What we have stated above relative to the operation in the province itself of a Legislature free to watch over its interests, induces us to hope that until there be an essential change in the Legislative Council, His Majesty whilst desirous of adhering to his benevolent inclination of abstaining from every act which could be represented as an unnecessary intervention in the internal affairs of the province, and thereby even oppose himself to every legislative act on the part of the metropolitan state tending to destroy that large basis, would be pleased to take into his consideration the pure and simple repeal by the Parliament of the United Kingdom of the Act commonly called the Tenures' Act, and of that passed in favour of the Land Company, as not being opposed thereto, inasmuch as the Canadian Legislature never participated in the passing of these two Acts, against which this House and the people have, from the commencement, universally protested, and as their opposition to the rights, laws and institutions of this province is now scarcely a subject of controversy. We therefore persist in praying that until the Bill passed on several occasions by this House for the abrogation of the said Tenures' Act be favourably received in a Legislative Council disposed to give effect to the Royal intentions, His Majesty's Government would be pleased to assist in otherwise accomplishing the repeal demanded, which would enable us to re-establish order in the important question of lands and of proprietary law, and to accomplish, for the advantage and happiness of the inhabitants of the country, and of the other of His Majesty's subjects, the views expressed in our said Address.

It is for the same reasons that we persist in demanding likewise the repeal of the Act passed in favour of the Land Company, and of the privileges which that Act pretended to confirm. The considerations of public and private law which cause us to take a view of this subject different from that taken by His Majesty's Ministers in the said despatch, are too numerous and too palpable to be detailed at this moment. We shall pass over, also, in silence, the rights peculiar to the people of this province, and the circumstances, painful to us, under which that Act was passed and those privileges granted; and we shall abstain from pointing out the means at the disposal of the Government to settle this question with justice to all parties. We shall merely add, that every day convinces us the more that the principal tendency of that Company is to maintain that division of people against people, amongst the different classes of His Majesty's subjects, which has, in common with all the evils resulting therefrom, been fostered in times past, with too much success, by corrupt administrations.

Neither can we forbear from here pointing out what we conceive to be, independent of its constant connexion with the system of metropolitan ascendancy and colonial degradation, a grand error in the disposal of the public domain of this province. That is, that in granting the lands nominally under the tenure of free and common soccage, which, based upon views of free and prosperous colonization, and with a due respect for the laws of the country, would, in fact, be a desirable tenure, the advantages thereof have, in reality, only been accorded to the original grantees, rendered absolute masters of immense extent

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in No. 8.

of land, without any reserve having been made for the future rights and interests of the mass of actual settlers who would improve the soil, who, although his Majesty's free-born subjects, find themselves fettered in the extent of all those great concessions, by onerous and even servile tenures. It is, nevertheless, after this system has been tardily repudiated, that nearly a million of acres of the lands of the country have been improvidently, and without any greater control, granted to the said Company, with the further privilege of augmenting that quantity by unlimited acquisitions dangerous to the liberties of the people. Independent of this anomaly, and numerous other vices with which the said grant is tainted, the King's Ministers cannot be so unacquainted with the subject as to consider it a question merely of private law, or to believe that in any new country the disposal and settlement of an immense extent of the public lands can be withdrawn from the control of the Legislature, and abandoned to the unrestrained direction of individuals.

The presence in the province of certain pretended authorities, whose powers and attributes are not to be found either in the constitution or in any law, has so often been alleged by your Excellency and by the executive authorities in the metropolitan state as being of a nature to retard till a future period the restoration of order and the introduction of those improvements demanded by the people, that we cannot refrain from here making a few general observations which must have attracted the attention of every public man. We believe that this House is the legitimate and authorized organ of all classes of inhabitants in the country, and that its representations are the constitutional expressions of their wishes and of their wants. We believe that the impartial use we have made of the powers vested in us, for the protection and the happiness of all our fellow-subjects, ought to have secured to us due confidence, when we solemnly exercised those high privileges. It must, however, have been the result of an unjust distrust of this House and the people of this province, that His Majesty's Government has rejected our prayers to defer to the opinions of a few individuals, strangers to the country, the fate of which was thereby committed to men whose vague and subordinate mission could not be acknowledged by any independent authority recognised by the constitution, the spirit of which His Majesty is particularly desirous to maintain. Thus it is that a power acting without law and against law, could not form any other connexion but with those who entertained the same erroneous views, and who, long since the avowed enemies of this House and of the people, profit by the system of dishonest policy which has been, up to this moment, the bane of the country, and which has, nevertheless, been maintained by many acts and declarations of the Crown and of Parliament. We believe, therefore, that the restoration of order and of the mutual respect which those whose duty it is to maintain it owe to each other, is one of the measures the most conducive to promote the establishment of a government as responsible and as popular as that which His Majesty, in enumerating in the said despatch his dispositions on several important points, declares he is entirely disposed to admit. We must equally declare that any departure from those intentions, based upon inquiries emanating from a vitiated source, could not be sanctioned by any portion of the people sufficiently strong to lend its aid to a good government.

We shall pass over in silence the judicial independence and the establishment in the province of a high tribunal of public impeachments. It is too evident that the sole obstacle which now exists depends upon the solution of the question which we look upon as of the utmost importance.

Neither shall we discuss the demand made by this House of the free exercise of its parliamentary and constitutional authority over the settlement and management of the lands of the province, and its control over all the branches of the Executive Government; we shall also omit whatever appertains to the settlement of the financial question, whereby the executive authority would no longer impede the rightful control of this House over the public revenue. Our views and offers on these two subjects have, without doubt, been considered liberal by His Majesty's Government; we are at least inclined so to believe, in consequence of the opinion expressed in the said despatch on this part of our Address; moreover, if we understand, in its true meaning, that part of the said despatch which approves of our opinions on divers other points, without discussing any of them in particular, we should be induced to believe that His Majesty's Government, convinced of the justice of our demands on these points, and of their accordance with the good government of the country, has now acceded thereto without requiring any further useless delay, and without further investigation of rights and principles so clear and so essential.

If our hope of happy days for our country do not lead us to interpret too liberally general expressions, and if that hope be founded on something more than generous inferences, we cannot sufficiently express to your Excellency how much we rejoice at having, by our perseverance, contributed to the substitution of an unjust and partial system, by an order of things conformable to the rights and demands of the people. Nevertheless, we cannot but feel deep regret and profound grief, when we consider that these declarations, as well as those which preceded them on several occasions, have as yet availed nothing; that the vices of our political institutions remain unaltered; that the Provincial Legislature continues to be paralyzed in its functions, by the support given to the Legislative Council; that no essential reform has been introduced as yet into the Administration, or for the removal of abuses; that the executive and judicial authorities have preserved and manifested the same character of a faction combined against the liberties of the country, and its public property; when we perceive that prejudicial inquiries in opposition to the above-mentioned declaration have not as yet been abandoned; when, in fine the Executive

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Government of the province, doubtless in obedience to the special order of the authority which appointed it, has had recourse, since the last session, to the practice of disposing of the public treasure of the province, without the consent of this House. Thus the state of the country having therefore remained the same, we believe it to be our imperative duty to adhere unalterably to the contents of our said Address of the 26th February last, as well as to our previous declarations; and to them do we adhere.

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in No. 8.

In reference now to the demand which your Excellency has renewed under existing circumstances for a supply, relying on the salutary maxim, that the correction of abuses and the redress of grievances ought to precede the grant thereof, we have been of opinion that there is nothing to authorize us to alter our resolution of the last session. Your Excellency will bear in mind that our determination to obtain justice by means warranted by the best approved precedents and by the spirit of the constitution itself, was taken at a more distant epoch, and that, as a mark of our confidence in you, we temporarily departed from that determination by voting a supply for six months. We assure your Excellency, as well as His Majesty's Government, that in that Act, which we look upon as a mark of our liberality, we were prompted by no minor consideration, nor by any unjust or incorrect interpretation of the intentions of His Majesty's Ministers. The conclusion of our said Address contains an explanation of our motives, and of the difficulties which it was not in our power to ward off; the same circumstances, as well as the previous consideration of the salutary principle above referred to, render it incumbent on us, in the present conjuncture, to adjourn our deliberations until His Majesty's Government shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone can crown it with success.

Amidst the closing events of the last session, there is one circumstance in particular which we respectfully believe has not been sufficiently noticed by His Majesty's Government. That is: it was not this House, but the Legislative Council which deprived the Provincial Administration of the resources which would have been at its disposal, and which placing itself between the Crown and the people in a matter specially appertaining to the representatives of the latter, has prevented the free gift of the Commons to reach the Throne.

In concluding this Address, we shall again express our belief in your Excellency's sincerity and intentions, and we flatter ourselves that under different circumstances and with more direct powers, your Excellency would have sooner helped to obtain the change which we await. If such a change had taken place, the good understanding which has hitherto existed between this House and your Excellency, notwithstanding the difficulties of our respective positions, would lead us to expect the most happy results from your Excellency's desire to advance the prosperity of the country.

Enclosure 2, in No. 8.

Mr. Speaker, and Gentlemen of the House of Assembly,

FOR the portions of this Address which are directed to me personally, I cannot but thank you. At the same time, my sense of public duty and the warm interest I take in the welfare of the province compel me frankly to express to you my deep regret at the conclusions you have come to.

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in No. 8.

The determination you express never to resume your functions under the existing constitution, naturally deprives the country of a domestic legislature, and places it in a situation in which the greatest embarrassments must be felt until a remedy can be applied by the supreme authorities of the empire.

Gentlemen,

Your Address shall be transmitted to England with the least possible delay.

Castle of St. Lewis, Quebec, 3d October 1836.

— No. 9. —

No. 9.

COPY of a DESPATCH from the Earl of Gosford to Lord Glenelg.

My Lord,

Castle of St. Lewis, Quebec, 4th October 1836.

I HAVE the honour to transmit herewith a copy of the Speech with which I have this day prorogued the Provincial Parliament of Lower Canada.

I have, &c.

(signed)

Gosford.

Enclosure in No. 9.

Enclosure in
No. 9.

Gentlemen of the Legislative Council, Gentlemen of the House of Assembly,

THERE being no longer any prospect of a good result from the Message which, by the commands of our most gracious Sovereign, I communicated, a few days ago, to the House of Assembly, I hasten to put an end to this session, and to enable you to return to your homes.

The object of convoking the present Parliament was to make a renewed effort on the part of His Majesty to restore some interval of repose to his Canadian people. I lament, however, that instead of awaiting the developement of those measures which are in preparation, but which, to be effectual, must be matured with time and attention, a more hasty decision continues to be insisted upon; and the province is even threatened with the abandonment, by one branch of the Legislature, of the duties confided to it by the constitution. Without dwelling on this inauspicious project, I will merely observe, that if it be persisted in, the number of temporary acts in Lower Canada, and the importance of some, which are not long hence to expire, must give peculiar effect in this province to a decision which, in no country endowed with powers of domestic legislation, could be otherwise than a severe privation and source of public suffering.

Gentlemen,

In taking leave of you, I will only express the hope I am unwilling to forego, that however the political embarrassments of the country may appear to multiply around us, the inherent elements of prosperity and contentment which it contains may triumph over all adventitious causes of difficulty.

Castle of St. Lewis, Quebec, 4th October 1836.

No. 10.

— No. 10. —

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*.

My Lord,

Downing-street, 20th November 1836.

I HAVE received and laid before the King your Lordship's despatches of the 28th of September, and of the 1st, 3d and 4th October, announcing the meeting of the Legislature of Lower Canada, transmitting copies of the communications which took place on that occasion between your Lordship and the Legislative Council and Assembly, and reporting the prorogation by which the session was closed.

I am commanded by the King to signify to your Lordship his Majesty's approbation of your proceedings on this occasion. You rightly judged that to prolong the session after the Address which you had received, and the departure of so large a body of the members from the seat of government, would on every account have been inexpedient and indecorous.

It must be superfluous to assure your Lordship that these communications have engaged the most serious attention of His Majesty's Government. I shall very shortly have to address you fully in explanation of the course of proceeding which it will be necessary to adopt in order to arrest the progress of these controversies.

In the meantime your Lordship will discharge the arduous duty of watching over the public tranquillity in Lower Canada with your accustomed zeal for His Majesty's service, and in the spirit of the general instructions which I have already had the honour to address to you.

I cannot close this despatch without observing that recent occurrences do but confirm the opinion, which I have already announced to you, that the commission, of which your Lordship is the head, should be brought to its close with the utmost possible promptitude.

I have, &c.

(signed)

Glenelg.

P A P E R S

RELATIVE TO THE

AFFAIRS OF LOWER CANADA.

(Presented to Parliament by His Majesty's Command.)

*Ordered, by The House of Commons, to be Printed,
20 February 1837.*

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LOWER CANADA.

FURTHER PAPERS

RELATIVE TO

THE AFFAIRS OF LOWER CANADA.

(PRESENTED TO PARLIAMENT BY HIS MAJESTY'S COMMAND.)

COPY of a DESPATCH from the Earl of *Gosford* to the Right hon. Lord *Glenelg*,
&c. &c. &c.

MY LORD,

Castle of St. Lewis, Quebec,
23d January 1837.

AS any information respecting the Financial position of this Province must, under existing circumstances, be useful to your Lordship, I think it right to put you in possession of the probable state of the Public Treasury on the 1st of May next, as respects the Debts and Credits of the Local Government.

It appears, then, that there is due for Salaries, up to the 1st of October 1836, a sum of	£.	s.	d.
- - - - -	50,744	-	-
For Pensions, to the same date	2,138	-	-
For Contingencies of the various Offices, to the same date, including £.3,753 for Postages of the Civil Secretary's Department	21,857	-	-
Advance from the Military Chest in 1834	31,000	-	-
Amounting to - - - - - Sterling	£.	105,739	- -

For which Sum the General Revenues of the Province are liable, and to which must be added the following items, hitherto paid out of the Land and Timber Fund, that became due on the 31st ultimo:—

Balance of Salary and Per Centage due to the late Commissioner of Crown Lands to the 1st July 1836	£. 1,719	14	4
Acting ditto - ditto, for Six Months, to 31st ultimo	300	-	-
John Davidson, Retired Allowance, for two years, as late Surveyor General of Woods and Forests	500	-	-
Commissioner of Escheats, for two years' Salary	900	-	-
Agent for Emigrants, Salary for one year	400	-	-
Ditto - - - for Contingencies	277	-	-
Pensions	625	-	-
		4,721	14 4
Sterling	£.	110,460	14 4

The probable amount of the further debt which will be due from the Local Government in respect to the Public Service, up to the 10th of April next, one of the half-yearly days for settling Public Accounts, will be	26,500	-	-
Probable Amount which may be called for, to the same date, to meet special Appropriations under Provincial Acts	5,200	-	-
Sterling	£.	142,160	14 4

FURTHER PAPERS RELATIVE TO LOWER CANADA.

	£.	s.	d.
On the other side of the Account it appears that there is at present in the vault, under three locks, and in the custody of the Receiver General - - - - -	87,025	-	-
To be shortly paid in by the several Collectors of Customs, on closing their accounts to the 5th instant - - - - -	33,190	+	-
Outstanding on Bonds, payable by the 1st of May next - -	21,777	-	-
Payable by the British American Land Company in March next -	6,000	-	-
From other sources - - - - -	1,000	+	-
Sterling - £.	148,992	-	-

From this Statement your Lordship will perceive that on the 1st of May next there will be a balance in the Public Treasury, after payment of all demands on it up to that date, of the sum of £. 6,831. 5. 8. sterling.

While on this subject, I enclose for your Lordship's information a comparative Statement of the Provincial Revenue for the two last years, showing the Decrease and Increase in the several items of which it is composed, and I regret to find that the gross Revenue of 1836 is less than that of 1835 by £. 24,052, currency; the respective amounts being £. 205,910. 19. and £. 181,858 currency.

The principal Decrease last year, as your Lordship will observe, occurs under the head of Importations from the West Indies, upon which the diminution is £. 43,472. This arises chiefly from the quantity of spirits distilled in the two Canadas, which being mixed with West India Rum, in the proportion of about one-third of the latter, is now generally consumed by the inhabitants, instead of the genuine Rum hitherto used. From the greater cheapness of the home manufacture, which is untaxed, it is to be expected that the importation of spirits from the West Indies will continue annually to decrease, until it reaches the minimum quantity required to flavour the produce of the native distilleries.

The only head exhibiting any increase worth noticing, is that of Dry Goods, chiefly imported from England, on which the amount of Duty received in 1835 was £. 33,721, and in 1836, £. 45,195, currency; showing an excess in favour of the latter year of £. 11,475, currency.

I have the honour to be,

My Lord,

Your most obedient Servant,

Gosford.

(Enclosure).—COMPARATIVE STATEMENT of the GROSS ORDINARY REVENUE of the Province of Lower Canada, for the Years 1835 and 1836;—Quebec, 23d January 1837.

HEADS OF REVENUE.				GROSS AMOUNT IN CURRENCY.				INCREASE.		DECREASE.		CAUSES OF INCREASE OR DECREASE.		
				1835.		1836.		1836.		1836.				
				£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.			
Casual and Territorial Revenue				5,209	12 3½	3,432	7 6½	-	-	-	-	1,777	4 9	Mutations in King's Domain less in 1836. This decrease is chiefly on West India Spirits, &c. Increase of population.
Duties under Imperial Act 14 Geo. 3. c. 88.				47,602	16 10	28,432	6 2	-	-	-	-	19,170	10 8	
Licenses for retailing Spirituous Liquors, ditto				2,866	-	3,918	-	1,052	-	-	-	-	-	
Duties on Tobacco under provincial Act 41 Geo. 3.				6,433	11 3½	6,168	5 10½	-	-	-	-	265	5 5	Decrease, chiefly on West India produce.
Licenses on Billiard Tables under - ditto				62	10 -	25	-	-	-	-	-	37	10 -	
Fines and Forfeitures				220	10 9	322	15 -½	102	3 4½	-	-	-	-	
Duties on Wines, under provincial Act 33 Geo. 3.				2,509	14 4	1,929	18 10	-	-	-	-	579	15 6	{ - - This is an ad valorem Duty on Dry Goods, the im- portation of which, chiefly from Great Britain, has increased. Decrease, chiefly on West India Spirits.
Duties on Wares and Merchandize, under 35 Geo. 3.				42,723	11 8	35,248	8 -	-	-	-	-	7,475	3 8	
Licenses for retailing Liquors under - ditto				2,974	-	4,002	-	1,028	-	-	-	-	-	
Duties under 53 & 55 Geo. 3, continued by Imperial Act } 3 Geo. 4. c. 119.				33,721	2 -	45,195	6 7½	11,475	4 7½	-	-	-	-	
Duties under provincial Act 55 Geo. 3. continued by ditto				41,341	11 11	24,514	10 11	-	-	-	-	16,827	-	
Duties under Imperial Act 3 & 4 Wm. 4. c. 59.				11,688	14 4	11,954	12 3	265	17 11	-	-	-	-	{ - - The Tolls were collected only for part of 1835, under a temporary Act, which had expired. Increased number of Emigrants in 1836.
Tolls on Lachine Canal				1,500	4 7	4,896	19 11½	3,396	15 4½	-	-	-	-	
Duties on Shipping under provincial Acts 45 & 51 Geo. 3.				4,579	14 5	4,654	19 5½	75	5 -½	-	-	-	-	
Duties on Passengers, under 6 Wm. 4. c. 13.				2,441	14 2	5,873	19 2	3,432	5 -	-	-	-	-	{ - - The Act under which this Duty is levied, was only passed in the Session of 1835-6.
Duties under Imperial Act 4 & 6 Geo. 3. c. 52.				35	10 6	23	10 6	-	-	-	-	12	-	
Tonnage Duty for support of a Mariners' Hospital, under } Act 6 Wm. 4. c. 35.				-	-	1,264	-	1,264	-	-	-	-	-	
TOTAL, Currency				205,910	19 3½	181,858	- 4½	22,091	12 -½	- ½	-	46,144	11 -	

Note.—This Statement does not include any of the Revenues arising from the sale of Crown Lands, or Licenses to cut Timber.

LOWER CANADA.

FURTHER PAPERS

RELATIVE TO

THE AFFAIRS OF LOWER CANADA.

(Presented to Parliament by His Majesty's Command.)

Ordered, by The House of Commons, to be Printed,
27 February 1837.

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CANADA.—SIR F. B. HEAD.

RETURN to an Address of the Honourable The House of Commons,
dated 21 April 1837 ;—for,

COPY of a DESPATCH from Sir *F. B. Head*, in Answer to Charges preferred
against him by Dr. *C. Duncombe*, in a Petition presented to The House of
Commons on the 19th August 1836; together with a Copy of Lord *Glenelg's*
REPLY thereto.

Colonial Office, Downing-street, }
2d May 1837.

G. GREY.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
3 May 1837.

SCHEDULE.

- No. 1.—Copy of a Despatch from Sir F. B. Head, к. с. н., to Lord Glenelg, dated Toronto,
Upper Canada, 4 February 1837 - - - - - p. 3
- No. 2.—Report and Appendix of the Select Committee of the House of Assembly of
Upper Canada - - - - - p. 13
- No. 3.—Copy of a Despatch from Lord Glenelg to Sir F. B. Head, dated Downing-street,
17 April 1837 - - - - - p. 179

—No. 1.—

COPY of a DESPATCH from Sir *F. B. Head*, K.C.H., to Lord *Glenelg*.

No. 1.

My Lord,

Toronto, Upper Canada, 4 February 1837.

Despatch from
Sir F. B. Head
to Lord Glenelg.

I AM at last enabled to reply to the following communications, which I have had the honour to receive from your Lordship:—

1. Despatch, No. 95, of the 8th September 1836, enclosing to me a copy of Dr. Duncombe's petition to the House of Commons, as presented by Mr. Hume on the 19th August last.

2. Despatch, No. 96, of the 12th September 1836, enclosing to me a copy of a correspondence between Dr. Duncombe and the Colonial Office, on the subject of the late elections in Upper Canada, as also a copy of a letter on the same subject, addressed to Sir George Grey by Mr. Hume.

3. Despatch, No. 99, of the 22d September 1836, enclosing to me a copy of a letter addressed to your Lordship by Dr. Duncombe, "detailing the charges respecting Sir F. Head's conduct during the recent elections in Upper Canada."

4. Despatch, No. 105, of the 31st October 1836, transmitting to me a copy of a letter addressed to Lord Melbourne by Mr. Hume, who, enclosing a memorial to be presented to His Majesty respecting what he terms "the extraordinary proceedings of Sir Francis Head during the late general election," states, "It is with deep regret I complain of the conduct of Lord Glenelg to the agents of the Reformers from Upper Canada, in having refused to give an interview either to Mr. Baldwin, a member of the late Executive Council, or to Dr. Charles Duncombe, member for Oxford, in the New House of Assembly, although they came 4,000 miles, deputed by their colleagues, on purpose to explain to His Majesty's Government the conduct of Sir Francis Head, the Lieutenant-Governor, and of the public officers in that Province. I most earnestly requested his Lordship to grant an audience to the gentlemen as they had requested, but he refused those applications, and thereby behaved to them in a manner which I do greatly regret."

Before I proceed to reply to the serious accusations which have been thus made against me by Dr. Duncombe, a member of the House of Assembly of this Province, as also by Mr. Joseph Hume, a member for Middlesex, in the Imperial Parliament, I consider it my duty to record the feelings of gratitude, as well as of respect, which I entertain towards your Lordship for having directed your under secretary to reply to Dr. Duncombe, on the 21st of September last, as follows:—

"Lord Glenelg directs me to state for your information, that he proposes to avail himself of the earliest opportunity for transmitting a copy of that letter to Sir F. B. Head, for such explanations as that officer may be able to give respecting the matters laid by you to his charge. In the meantime his Lordship will, of course, suspend his opinion on the subject. He directs me, however, to state, that he cannot receive accusations of such a nature against a public officer of high and unblemished character, without recording his persuasion that they will be found susceptible of a satisfactory answer. With reference to your protest against Lord Glenelg's decision to carry on his communications with you, not in personal interviews but in writing, his Lordship directs me to observe, that the obligation of acting with strict impartiality towards all persons with whom he is brought into official intercourse, would have forbidden him to receive, in mere conversation, charges impugning the honour and reputation of any man, however humble his station in life; nor can his Lordship think that, as a public accuser of the Lieutenant-Governor of Upper Canada, you are justly entitled to complain that you have been required to prefer your charges in that form in which alone they could be expressed with precision, and subjected to the test of an exact inquiry."

On the receipt of your Lordship's despatches, which I have referred to, I deemed it advisable to lay them, without loss of time, before the Assembly, and accordingly on the day that the House replied to my opening Speech from the Throne, I transmitted to it the following message:—

Despatch from
Sir F. B. Head
to Lord Glenelg.

"F. B. Head.

"The Lieutenant-Governor has received from His Majesty's Government a copy of a petition addressed to the House of Commons by a member of the House of Assembly of Upper Canada.

"As the Lieutenant-Governor conceives that the said petition contains allegations which affect the liberty of the inhabitants of this Province, as well as the character and privileges of the House of Assembly, he deems it advisable that the House should be immediately acquainted with the same, and he therefore transmits a copy for their information."

This message, with the documents which accompanied it, were referred by the House to a committee, whose detailed report, with the resolutions of the House, amply and specifically refute all the accusations brought by Mr. Hume before the House of Commons, before Lord Melbourne, and before your Lordship; nevertheless I feel it proper that I should myself reply to those charges which directly assail my own character.

Dr. Duncombe's petition, as presented to the House of Commons by Mr. Hume, commences by asserting that he has been *deputed to England* by the Reformers of Upper Canada.

It is my duty to inform your Lordship, that this assertion is totally and wilfully devoid of truth.

Dr. Duncombe's departure from Upper Canada for England was known only to a very few individuals, who, for reasons which shall hereafter be explained, kept it such a profound secret that Dr. Duncombe's own family were, I am credibly informed, in ignorance of what had become of him.

He embarked at New York under a false name, by which he was addressed during the whole of his passage; and such secrecy was preserved, that not even his own constituents were aware that their representative had left America, to utter complaints in their name to the British House of Commons, until the arrival of English newspapers astonished the Province of Upper Canada, by divulging the petition which Mr. Hume had presented for him.

On Dr. Duncombe's return to Upper Canada, and on his appearing before the committee whose duty it was to investigate his petition, he did not venture to attempt to prove, or even to assert, that he had been deputed to England by the Reformers, or by any one; neither by documents nor by witnesses did he attempt to substantiate a single one of his allegations; and though he assumed his seat in the House of Assembly, never once did he open his lips on the subject, but in a few days ignominiously shrunk from the investigation. The committee, however, not satisfied with this negative proof of his guilt, summoned before them and examined the leading Radical members of the late as well as of the present House of Assembly; for instance, they examined—

1. The Speaker of the late House of Assembly, Marshall Spring Bidwell, Esq., who scarcely a month ago, when called upon by your Lordship to avow in this country the allegations contained in his letter concerning me to your Lordship, declined to do so.

2. Dr. Baldwin, president of the Constitutional Reform Society, chairman of the Toronto Political Union, the father of Mr. Robert Baldwin (one of the members of my late Executive Council, who was lately in England with Dr. Duncombe), and lately dismissed by me from the office of Judge of the Surrogate Court.

3. Mr. Peter Perry, chairman of the committee of the late House of Assembly, which drew up the report against me concerning the Executive Council, the leader of the Radicals of the late House of Assembly, and whose name has lately been omitted by me in the commission of the peace.

The above-named, as well as all others of the same party who were examined, confessed that Dr. Duncombe had not been deputed to England by *them*, several of them admitting that they had not even known of his departure till they saw it announced in the British newspapers; and though the committee were engaged in the investigation more than two months, not a single individual in the whole Province of Upper Canada ventured to come before them, before me, or before either House of the Provincial Legislature, to assert directly or indirectly that Dr. Duncombe had been deputed to England by him, or by any portion of the party self-named Reformers.

I must

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I must now beg your Lordship to contrast the foregoing evidence with the following most extraordinary assertions of Dr. Duncombe and Mr. Hume.

1. Dr. Duncombe, in his petition to the House of Commons, states "That your petitioner has been *deputed by the Reformers of that Province* to lay before His Majesty's Government and your Honourable House the dangerous crisis at which the affairs of that Province have unhappily arrived, through the unconstitutional violence and outrage practised and sanctioned by Sir F. Head, the present Lieutenant-Governor, and those under his immediate influence and control, at the late election, for the purpose of obtaining a majority in the House of Assembly."

2. In Dr. Duncombe's letter to your Lordship of the 20th of September, he states, "These, my Lord, are only a few of the many unconstitutional acts of Sir F. B. Head and his dependents, of which the people of Upper Canada complain, and which the Reformers *instructed me* to point out to your Lordship personally." * * * * "I very much desired to communicate to your Lordship personally facts connected with the present discontented and unhappy condition of *the people of Upper Canada*, which could have been done much more readily and satisfactorily verbally than by letter, and *for which especial purpose I was deputed to this country.*"

"I take this opportunity of enclosing my protest against the course which your Lordship has adopted of refusing to grant me an interview at which I should have done more justice than I now can to the important duty *imposed upon me by my fellow countrymen in Upper Canada.*

"I shall return to Upper Canada and *report the treatment* I have received, and what the expectations of *my countrymen* for justice can be from the Colonial Minister."

"I have, therefore, my Lord, as the only resource left, *in the name and in behalf* of the Reformers of Upper Canada," &c. &c.

Mr. Hume, in his letter to Sir George Grey, of the 19th of August, states, "Allow me to introduce the bearer, Dr. Duncombe, member of the New House of Assembly of Upper Canada, *come to England expressly at the request of the Reformers* of Upper Canada, to state to Lord Glenelg circumstances connected with the elections in that Province very important to be made known to the Colonial Office. I request you will give him an opportunity of stating to his Lordship the important details he has *been commissioned to make known* to His Majesty's Government here."

Mr. Hume, in his letter to Lord Melbourne, dated 3d October, stated—

"My Lord,

"When I last had an interview with your Lordship, I requested your attention to the state of Upper Canada, and to the extraordinary proceedings of Sir Francis Head during the late general elections.

"It is with deep regret I complain of the conduct of Lord Glenelg *to the agents of the Reformers* from Upper Canada, in having refused an interview either to Mr. Baldwin, a member of the late Executive Council, or to Dr. Charles Duncombe, member for Oxford, in the New House of Assembly of that Province, although they came 4,000 miles, *deputed by their colleagues*, on purpose to explain to His Majesty's Government the conduct of Sir F. Head, the Lieutenant-Governor, and of other public officers in that Province.

"It appears that Sir F. Head has put down the Reformers in Upper Canada, by giving his official support to the Tories and Orangemen, and he has acted, by fabricating votes after the elections had been begun, to overpower the old electors."

"I trust such conduct will not be countenanced by the British Parliament, from whom alone, after such conduct, the people of Upper Canada can expect to obtain justice.

"I cannot believe that your Lordship is acquainted with the state of affairs in Upper Canada, and with the conduct of Sir F. Head, or you would not approve of the proceedings of the Colonial Office towards these *agents from the Province*,—conduct which appears to me calculated to *drive the people to desperation.*"

While the foregoing statements are fresh before your Lordship's mind, I think it advisable I should clearly explain the precise extent of authority which Mr. Hume was invested with in England, to act in the name and on behalf of "the people of Upper Canada;" which fact will be best elucidated by the following extract of

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the committee's report, which, after a most patient investigation, has just been adopted by more than two-thirds of the members present in the House of Assembly.

"Before closing their Report, the Committee feel it their duty to call the attention of your Honourable House and the country to the fact, that the petition was presented to the House of Commons by Mr. Joseph Hume, a member of the Imperial Parliament for the county of Middlesex; and that that gentleman appears to have been chosen as the agent through whom Mr. Duncombe and Mr. Robert Baldwin have conducted their communications with the Colonial Office. And it further appears, from letters of Mr. Hume, addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the agent, or, at all events, as being authorized to express the sentiments of the people of Upper Canada on the subject of their political feelings, and the public affairs of the Province. Your Committee are of opinion that the honour and character of His Majesty's loyal subjects in this Province require that it should be promptly and emphatically declared by their representatives, that Mr. Hume is among the last men they would select to advocate their cause, or represent their feelings or wishes to the British nation. The people of Upper Canada recollect that, in the year 1834, Mr. Joseph Hume addressed a letter to a correspondent of his in this country, which, referring to his correspondent's recent expulsion from and re-election to the Assembly, contained the following treasonable language and advice:—*'Your triumphant election of the 16th, and ejection from the Assembly of the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782, in America, ought not to be forgotten; and to the honour of the Americans, and for the interest of the civilized world, let their conduct and result be ever in view.'* And when it is remembered with what indignation and disgust the publication of this detestable communication was received throughout the Province, His Majesty's loyal subjects cannot but regard with abhorrence the idea that the person who had thus insulted them should be supposed by their Sovereign and their fellow-subjects in the United Kingdom to be their accredited agent, that they held any communication with him, or that he was in any way clothed with authority to speak their sentiments, or represent their views on any subject, public or private."

It certainly does appear, from the extracts I have submitted to your Lordship, that Mr. Hume and Dr. Duncombe, in undertaking to represent the people of Upper Canada, possessed as agents no other credentials than those which in London they mutually imparted to each other; for the House of Assembly seem to repudiate Mr. Hume as unequivocally, as Mr. Bidwell the late Speaker, Dr. Baldwin, the chairman of the Constitutional Reform Society, the chairman of the Toronto Political Union, and the other Reformers examined by the committee, combine in repudiating Dr. Duncombe.

Mr. Hume, in his letter to Lord Melbourne, says, "I cannot believe that your Lordship is acquainted with the state of affairs in Upper Canada;" and adds, that the proceedings of the Colonial Office are "calculated to drive the people to desperation;" but the House of Assembly appear totally to disagree in opinion with Mr. Hume respecting the political state of Upper Canada; for they state, "*The result of the election is known, and, from that period to the present, peace and tranquillity have existed throughout the Province, and continue to exist without the slightest interruption; and it may be truly said, in opposition to the statements of Mr. Baldwin and Mr. Duncombe, that the blessings of contentment and unanimity were never more apparent among any people than now reign throughout this highly-favoured land.*"

Having explained to your Lordship the nature of the credentials of Messrs. Hume and Duncombe, I will now proceed to reply to the accusations they have made against me.

1. Mr. Hume, in his letter to Lord Melbourne, states, "It appears that Sir F. Head has put down the Reformers in Upper Canada by giving his official support to the Tories and Orangemen."

With respect to the accusation of my having given support to the Tories, I beg to remind your Lordship, that the very first act of my administration of this Government,

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Government, was my appointing to my Executive Council three avowed Reformers. Before the elections commenced, I particularly cautioned all those who were immediately about me to do nothing to influence the contest; and though subscriptions were general on both sides, I neither directly nor indirectly contributed myself; and I am assured by my aid-de-camp, by my secretary, and by all the clerks in the Government Office, that they implicitly followed my example.

With respect to my having given what Mr. Hume terms "official support" to the Orangemen, the following extract from an affidavit of one of the aldermen of Toronto, who possesses great influence with the Orange party, will show what was my conduct towards that body.

Copy of Extract.

"Deponent further made oath and said as follows: That his Excellency the Lieutenant-Governor, having been given to understand that I had considerable influence with the Orange Association of this city, sent for me (I think some time in the month of June), and intimated to me a strong desire that the Orangemen should give up their usual processions held on the 12th of July; which desire being communicated to the principals of that body, together with his Excellency's unwillingness, as expressed to the House of Assembly, forcibly to prevent the said processions as apparently desired by the House, an unusually large number of the Association met, and of their own accord, and agreeably to the wishes of his Excellency, passed a resolution against processions of any kind on the afore-said day; and accordingly no exhibition of any kind took place, although it was, I am informed, a usual custom since the year 1819.

(signed) "Alexander Dixon.

"Sworn before me, this 19th January 1837.

(signed) "George Gurnett, Alderman and J. P. of the City of Toronto."

As Mr. Hume, on an occasion previous to Dr. Duncombe's arrival in England, brought my name before the House of Commons as a supporter of Orange Societies in Upper Canada, I beg your Lordship's perusal of the following extracts of a correspondence which took place, previous to the elections, between my secretary and John Stewart, Esq., deputy grand secretary of the Orange Lodge in North America.

"To Mr. Secretary Joseph.

"Sir,

"I HAVE the honour of acknowledging the receipt of yours of the 14th May, and I entirely concur with the suggestions of his Excellency, that the best mode of securing the tranquillity of the Province will be a voluntary dissolution. In pursuance of this determination, I have called together the leading men of the Association in and about London (Upper Canada), and they seem to be of one heart and of one mind, that the society be virtually dissolved, though a public declaration to that effect must originate with the Grand Lodge of British North America, which will shortly meet.

"I have, &c.

(signed) "John Stewart."

"From Mr. Secretary Joseph to John Stewart, Esq.

"Sir,

"Government House, 9 June 1836.

"I AM directed by the Lieutenant-Governor to express to you his high approbation of the sentiments contained in your letter respecting the voluntary dissolution of the Orange Associations in this Province.

"His Excellency is of opinion that such determination would be highly creditable, and that the example would be worthy of imitation by all who desire to promote the peace and harmony of Upper Canada. The address you forwarded for his Excellency's inspection is herewith enclosed.

"I have, &c.

(signed) "J. Joseph."

2. Mr. Hume, in his letter to Lord Melbourne, states, "It appears that Sir F. Head has acted (by fabricating votes after the election had begun to overpower

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the old electors) contrary to the rules laid down by the preceding Colonial Secretary, and in violation of the rights of the people."

My Lord, the accusation which Mr. Hume, as a Member of the House of Commons, has thus made against me to His Majesty's Prime Minister, of "fabricating votes," is so infamous, it is so derogatory to the station I hold, and so subversive of the liberty of the people of Upper Canada, that I feel it incumbent upon me to give your Lordship the clearest possible explanation on the subject.

Mr. Hume's expression of my "*fabricating votes*," as well as Dr. Duncombe's expression of my "issuing patents on grants of land," seem to denote that patents, which are nothing more or less than title deeds of land, emanate solely and at will from the Lieutenant-Governor; whereas the fact is, that the Lieutenant-Governor has no power whatever to bestow land upon any one, his signature only completing the title arising out of legal claims, which it is out of the power of the Lieutenant-Governor to extinguish.

For instance, the U. E. loyalist appearing before the magistrates of his own district in general quarter sessions assembled, presents his claim in the form of a petition, which must be authenticated by a certificate signed by the chairman of the sessions in open court, and countersigned by the clerk.

The petition is presented at the Government Office, whence it is referred to the Inspector-General to report in writing, on the back of the petition, whether the name of the petitioner be on the U. E. list, of which he has official charge; if so, it is then referred to the Executive Council, when, in conformity with His Majesty's regulations, an order is made in favour of the petitioner of 200 acres. The next step of the petitioner is to select the location of his grant at the office of the Surveyor-General, who gives him a ticket containing the number of his lot, the number of the concession, and the name of the township. The ticket also states the quantity of land required to be cleared, and requires actual settlement to be made within two years, otherwise the location to be null and void. When the above conditions are all complied with, the grantee is entitled to claim his patent or title deed upon furnishing satisfactory proof, which consists either in the certificate of a land-surveyor, or in the affidavit of one or more persons cognizant of the facts.

The following formalities are then required not only for U. E. claims, but for all patents of land.

On the last-mentioned certificate being presented to the Surveyor-General, he issues a description of the land to the Attorney-General, who embodies it in his draft of the patent, which is engrossed by the Provincial Secretary and sent by him to the Attorney-General for examination, by whom, if correct, it is countersigned; it is then returned to the Provincial (not the Governor's) Secretary, who also countersigns it; and when all these forms have been completed and complied with, the patent is presented for the signature of the Lieutenant-Governor: it is then taken back to the office of the secretary and registrar, who affixes to it the Great Seal, registers it, and when called upon delivers it to the grantee or his agent, which completes the transaction.

I trust that the bare recital of the foregoing precautionary formalities will prove the impossibility of my having been guilty of the charges brought against me by Mr. Hume, namely, of "having *fabricated* votes to overpower the old electors." From the date of my arrival in this Province to the present hour, in no one instance have I ever withheld from any individual my signature to that patent or title to his land, which, bearing the signature of the Attorney-General, has thus been officially declared to me to be his due; and, on the other hand, in no one instance have I ever affixed my signature to a patent which did not carry on its face that mark of authenticity.

I solemnly declare to your Lordship, that in no one case have I ever stopped for a moment to consider what might be the political opinion of him whose name inscribed upon a parchment was demanding from me a right, which I am proud to feel I am not entitled to withhold; for my station of Lieutenant-Governor would be despicable indeed, if my powers enabled me to deprive a British subject of his rights.

Having in general terms explained to your Lordship the manner in which patents are granted in this Province, and having also in general terms denied the accusations made against me on this subject by Mr. Hume and Dr. Duncombe, I will now proceed to reply to the particular charges alleged.

It

It is stated, "that Sir F. Head, in order to overwhelm these legally-registered electors, issued a large number of patents or grants of land under the Great Seal, in many cases for only a quarter of an acre of wild land on which no buildings are erected," and that "*thousands of such grants of land were issued and voted upon at the elections.*"

The Appendix to the Report of the House of Assembly contains returns of every patent issued by me since I assumed the Government of this Province, the date of the order in Council under which they were completed, with other particulars.

From these it will appear, that the whole number of patents issued under orders in Council from the day of my arrival in this Province to the close of the election, amounted to

Of which number there were, females	233
Purchasers from the Crown who had paid up their purchase-money	30
Settlers under the Honourable Colonel Talbot and the Honourable Peter Robinson, who were entitled to their deeds upon producing certificates of having performed their settlement duties	7
U. E. loyalists, militia-men, pensioners and old soldiers	73
	120

I beg your Lordship to compare the above statement with Dr. Duncombe's assertion that "*thousands of grants of land were improperly issued to overwhelm legally-registered votes, and acted upon.*"

Dr. Duncombe, since his return here from England, has not even attempted to prove that a single one of the above 233 patents signed by me, between the day of my arrival and the close of the election, was improperly issued; but supposing for a moment that the whole of them had been granted for the base purpose of influencing the elections, your Lordship will perceive, by the following comparison, what effect would have been produced:—

Number of patents issued by me	233
Number of persons who voted at the late elections	20,385

In taking leave of this subject, it only remains for me to declare to your Lordship, most deliberately, that I did not corruptly issue a single patent, and that Mr. Hume's assertion, that I "*fabricated votes to overpower the old electors,*" is totally incorrect.

3. Dr. Duncombe, in his letter to your Lordship of the 20th of September, states, that "public money has been most unconstitutionally placed at the disposal of committees or other agents of the Tory candidates, to assist them in their elections; that the sum of 5,000 *l.* was placed at the disposal of the Tories, calling themselves the Constitutional Society, to be expended in aiding the election of the Tory candidates."

Your Lordship will perceive from the evidence brought before the committee, that the above allegations are also without the slightest foundation. To this evidence, I have only to add my declaration, that not a shilling of the public money was expended in the way stated, or in any way directly or indirectly placed at the disposal of either party.

4. Dr. Duncombe next states, "that another sum was placed in the hands of the Clerk of the House of Assembly, with instructions to go to the eastern district, and use that money to the best advantage (no doubt corruptly), for securing the election and return of members who would support the unconstitutional policy of Sir F. B. Head."

As every word of this statement is incorrect, I feel it necessary to lay before your Lordship the truth. Shortly before the elections took place, I received a letter dated 14 June, from Mr. McLean, member for Cornwall, and now Speaker of the House of Assembly, informing me that acts of extreme violence had been committed by the Irish labourers working on the canal at Cornwall, "which rendered it unsafe for the inhabitants to travel on the public highways;" and earnestly praying that a body of troops might be sent down previous to the approaching election. Shortly afterwards I received a similar letter from the Sheriff, urging the "*imperative necessity for the presence of troops.*"

After giving the subject considerable reflection, I was so averse to the principle of sending troops to the neighbourhood of an election, that I positively declined to do so; at the same time feeling that, in the case of any of the inhabitants being murdered by the Irish labourers, considerable responsibility would rest upon me, for having refused the application of the Sheriff and of the member for Cornwall, I determined to send down 50 stand of arms, to be used by the militia in case of

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absolute necessity; but, to render security doubly sure, I selected Colonel Fitzgibbon (who, though Clerk of the House of Assembly, is a soldier universally respected in this Province for his well-tryed coolness and intrepidity in action), and placed the arms in his charge, with strict orders and instructions not to deliver them up to the local magistrates, however urgently they might require them, unless he himself was convinced of the absolute necessity of doing so; and, as he could speak Gaelic, I directed him to use every persuasion in his power to prevail upon his fellow-countrymen to keep the peace.

Colonel Fitzgibbon succeeded admirably in his mission; no force was required; no disturbance took place. On his return he applied to me for remuneration; I submitted his application for the consideration and the report of the Executive Council, who recommended that he should receive for the 17 days that he was absent two guineas per day, with his actual travelling expenses. The sum of 47*l.* 14*s.* 3*d.* was accordingly paid to him, and thus ended the affair which in the petition presented to the House of Commons by Mr. Hume is so grossly misrepresented.

The petition presented by Mr. Hume states, "that the elections were fixed by the Lieutenant-Governor at places to favour the Tory candidates."

In reply to this allegation, I have only to state that of the 39 towns and counties, where elections were held, 38 were re-appointed by me (with the advice of the Executive Council) at the same places where they had been held by direction of Sir John Colborne at the late general elections in 1834.

6. The petition also states, "that the returning officers were appointed by the Lieutenant-Governor, of such persons as were known most likely to forward his views."

In reply to this allegation, I have to state that in the 39 towns and counties where elections were held, I re-appointed (with the advice of my Executive Council) the same returning officers who had been appointed by Sir J. Colborne in the elections of 1834, excepting four, one of whom was dead, where the returning officer became himself a candidate, and consequently declined to act; another person was appointed in his stead.

7. In Mr. Hume's letter to Lord Melbourne, he states, "It appears that Sir F. Head has put down the Reformers by giving support to the Tories and Orangemen."

I have already shown to your Lordship that instead of having "supported the Orangemen," as stated by Mr. Hume, I not only discouraged their processions, but actually prevailed upon the Orangemen to discontinue them; that when called upon by the individuals of the party which Mr. Hume designates as Tories to support them with troops, I positively declined to do so. I also beg leave to inform your Lordship that the day after the three first town elections began, and a week before the county elections took place, the Wesleyan Methodists, whose assistance at the elections would have been of the greatest service, forwarded to me an excellent address, expecting of course that I should reply to it, as I had replied to the 67 addresses I had previously received.

The answer I gave to this address from the Methodists, as well as to similar addresses which almost at the same time I received from the United Synod of Upper Canada, from the townships of Nepean, Goderich, Warwick, Ramsey and from Gananogue, was as follows:—

"Gentlemen,—As the elections have commenced, I must decline giving any other reply to the address I have just received from you, than merely to acknowledge its receipt."

I may also mention that just before the elections began I was very earnestly entreated to promulgate some appointments in the militia which had long been promised, and which it was represented to me would greatly assist the constitutional candidates. In reply to these applications, I expressly ordered the adjutant-general of militia to make no militia appointments of any sort during the elections, and that I might not be misunderstood, with my own hand I wrote for the adjutant-general a letter for him to copy on the occasion, stating that I was unwilling to approve of the names recommended "*until the election is concluded.*" I also submit to your Lordship the following extract:

"City of Toronto, } "Personally came before me, George Gurnett, Esq., one of the
to wit. } aldermen and mayor elect of the said city, Alexander Dixon,
Esq., one of the aldermen elect for said city, who being sworn upon the Holy Evangelists, deposeth and said as follows:

"Having

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“ Having read in some of the public papers a document purporting to be a copy of a petition from Dr. Charles Duncombe to the House of Commons, in which it is alleged that his Excellency Sir Francis B. Head, in order to enable people to vote at the late general elections, issued a number of patent deeds, without requiring the payment of the usual fees, I feel it my duty to state a fact which came to my own knowledge in disproof of that allegation. During the period of the elections, I was requested by a considerable number of resident settlers in the second riding of the county of York, many of whom had been from 12 to 15 years in the country, and had made very valuable improvements on their lands, but not having paid the customary fees were deprived of the right of franchise, to facilitate the issuing of their deeds. Being anxious that these settlers should have their patents to give them this right, I waited on Sir Francis B. Head, and after stating their wishes to his Excellency and their readiness to give the most ample security for the payment of the fees due upon their lands, and after begging in the most urgent manner I was capable of, that their request might be granted, his Excellency in reply emphatically said, ‘ *No, Mr. Dixon, I cannot do it, if it should gain the whole of the elections;*’ which reply I communicated not only to the applicants but to many persons in town and country.”

8. In the petition presented to the House of Commons by Mr. Hume, it is stated, that “ in general every public functionary made common cause with the Tories and Orangemen against the Reformers.”

To this general allegation, I have only in general terms to reply, that, as the laws of the Province are open to any one who conceives he has been aggrieved, and as there has not been a single contested election, it is reasonable to infer that the allegations contained in the petition are vexatious and groundless.

9. It is stated in Dr. Duncombe’s petition, as presented to the House of Commons by Mr. Hume, “ that in the county of Oxford, where your petitioner was a successful candidate, John B. Askin, Esq., returning officer, in the early part of his election, while the contest was doubtful, refused to take the votes of many Reformers. They declared their willingness to take the oath of allegiance at the hustings where it had frequently been administered at former elections, but which was utterly refused on this occasion by Mr. John Askin, the returning officer.”

The following statement of gentlemen of high station and character in this Province will prove to your Lordship, not only that the allegation against Mr. Askin is incorrect, but that Dr. Duncombe, when he made it, *must have known it to be incorrect.*

“ To John B. Askin, Esq. Returning Officer at the late Election for the County of Oxford.

“ Sir,

“ HAVING read an extract from the petition of Charles Duncombe, Esq., to the House of Commons, in which you are charged with gross partiality in the execution of your duty as returning officer, we feel ourselves called upon to make the following declaration on the subject, leaving it optional with you to make whatever use of it you may think expedient.

“ At the close of the election Mr. Duncombe addressed the persons present and declared that, ‘ *although he understood you were of different political sentiments, he was compelled in justice to admit that your conduct as returning officer had been most gentlemanly and impartial throughout the whole election.*’

“ To the truth of this statement, in substance, we pledge ourselves, and we are ready at any time when called upon to confirm it on oath.

“ We have, &c.

(signed)

“ Henry Vansittart,

Rear Admiral.

Henry Vansittart, jun.

Wm. Bethridge, B. D.,

Rector of Woodstock.

John Hatch, J. P.

W. Laponotiere.

Samuel Norway.

Spence Mackay.

Edmond Deecles.

R. H. Pace.

P. Graham, J. P.,

Commander, R. N.

H. C. Bartwick.

Thomas Laponotiere.”

Having now replied to the various allegations which have been made against me by Messrs. Hume and Duncombe, I beg to refer your Lordship to the circum-

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stantial refutation of them contained in the Report, with its Appendix, of the House of Assembly.

I am so confident that these documents, together with the evidence I have myself submitted, will establish my innocence, not only in your Lordship's mind, but in the opinion of the House of Commons and of the country, that I shall leave Mr. Hume, who has so wantonly attacked my character, to the punishment of his own reflections.

Experience will now teach him what honour and justice have failed to inculcate, namely, that there is danger in unjustly attacking the character even of an absent man.

The House of Assembly of Upper Canada have forcibly expressed, in language that cannot be mistaken, their utter detestation of his principles, which indeed Dr. Duncombe himself has reprobated, by publicly selecting him to be the organ of his falsehoods.

Repeating my thanks to your Lordship for the justice you have rendered to me, by refusing to grant *secret and irresponsible interviews* to a party whose clamour for the last year has been in favour of "*open responsible government*," and repeating my acknowledgments that the instructions I received from your Lordship to correct all real grievances in this Province have enabled me to overcome the difficulties that opposed me,

I have, &c.
(signed) F. B. Head.

" Resolved, That the Report of the Select Committee, to whom was referred the Message of his Excellency the Lieutenant-Governor, and documents accompanying the same, on the receipt of the Petition of Charles Duncombe to the House of Commons, be adopted, and that an humble address be presented to His Excellency the Lieutenant-Governor, praying his Excellency to transmit a copy of the said Report and the Appendix to His Majesty's principal Secretary of State for the Colonies, to be laid at the foot of the Throne, and two other copies with the Appendix to the Secretary of State, to be presented to both Houses of the Imperial Parliament.

" Truly extracted from the Journals of the 30th January 1837.

(signed) " James Fitzgibbon.

" For adopting the Report—Yeas, 33; Nays, 16.

" Absent, 13, of whom 10 were Conservatives."

— No. 2. —

REPORT of the SELECT COMMITTEE to which was referred the Message of his Excellency the Lieutenant-Governor, communicating the Copy of a Petition of *Charles Duncombe*, Esquire, to the British House of Commons, and other Documents. (Printed by Order of the House of Assembly.)

ORDERS OF REFERENCE.

1836 : November 15. Ordered—That the message of his Excellency the Lieutenant-Governor, and the accompanying document, be referred to a Select Committee, consisting of Messieurs Macnab, Draper, Woodruff, Sherwood and Parke, with power to send for persons and papers.

November 22. Mr. Sherwood, seconded by Mr. Hotham, moves, that the message of his Excellency the Lieutenant-Governor, with the documents accompanying the same, be referred to the Select Committee to which was referred the petition of Dr. Charles Duncombe to the British House of Commons.

In amendment, Mr. Morrison, seconded by Mr. McIntosh, moves that all after the word “moves,” in the original, be expunged, and the following inserted: “that the message of his Excellency of yesterday, with the accompanying documents, be printed for the use of Members.”

On which the Yeas and Nays were taken as follows:—

Yeas—Messieurs

Cook,	McIntosh,	Morrison,	Thorburn,
Duncombe, Norfolk,	McMicking,	Parke,	Woodruff—11.
McDonell, Stormont,	Moore,	Shaver,	

Nays—Messieurs

Aikman,	Draper,	Macnab,	Powell,
Bockus,	Dunlop,	Malloch,	Prince,
Boulton,	Elliott,	Marks,	Ruttan,
Burwell,	Ferrie,	Mathewson,	Shade,
Caldwell,	Gowan,	McCrae,	Sherwood,
Chisholm, Halton,	Hotham,	McDonell, Glengarry,	Solicitor-General,
Cornwall,	Kearns,	McDonell, Northumberland,	Thomson,
Detlor,	Lewis,	Murney,	Wickens—32.

The question was decided in the negative by a majority of twenty-one.

The original question was then put and carried.

December 1. Mr. Macnab, from the Committee to which was referred the messages of his Excellency the Lieutenant-Governor, and documents relating to the proceedings of Dr. Charles Duncombe, &c., presented a first report, which was received and read as follows:—

“To the Honourable the Commons House of Assembly.

“The Committee, to whom was referred the petition of Dr. Charles Duncombe, beg leave to make this their first report:—

“That they have proceeded in the investigation of the same, and deem it expedient to request that further Members be added to their number to assist in the investigation.

“Which is respectfully submitted,
“Allan N. Macnab, Chairman.

“Committee Room, House of Assembly,
1 December 1836.”

On motion of Mr. Draper, seconded by Mr. Macnab,

Ordered—That the names of Jones and Norton be added to the Committee on his Excellency's messages respecting Dr. Duncombe's communication to Lord Glenelg.

December 22. Ordered—That the names of Burwell and Prince be added to the Select Committee to whom was referred the petition of Charles Duncombe, and matters connected therewith; and that the name of Draper be expunged from the said Committee.

1837 : January 5. Ordered—That the message of his Excellency the Lieutenant-Governor, and the documents accompanying the same, on the subject of the address of this House for information as to the issuing of patents since the late elections, be referred to the Committee to whom was referred the petition of Charles Duncombe to the House of Commons.

January 9. Ordered—That the message of his Excellency the Lieutenant-Governor, and the documents accompanying the same, on the subject of Mr. Hume's letter, be referred to the Select Committee to whom was referred the petition of Dr. Duncombe to the House of Commons.

January 23. Mr. Macnab, from the Select Committee to which was referred the petition of Mr. Charles Duncombe to the House of Commons, together with other documents on the same subject, presented a second report, which was received and read.

Ordered—That six thousand copies of the report of the Select Committee to whom was referred the message of his Excellency the Lieutenant-Governor with the petition of Charles Duncombe to the House of Commons, and all other documents referred to said Committee, together with the evidence taken before said Committee, be printed for the use of Members, in pamphlet form, with marginal notes.—*Nem. con.*

Present—Messieurs Aikman, Bockus, Boulton, Burwell, Caldwell, Cartwright, Chisholm of Glengarry, Cornwall, Detlor, Dunlop, Elliott, Gibson, Gowan, Macnab, Malloch, Marks, McDonell of Glengarry, McDonell of Northumberland, McDonell of Stormont, McIntosh, McKay, Merritt, Morrison, Prince, Richardson, Robinson, Ruttan, Rykert, Shade, Sherwood and Wickens.

REPORT TO THE HONOURABLE HOUSE OF ASSEMBLY.

THE Committee to whom was referred the Petition of Charles Duncombe to the House of Commons, with various other documents, beg leave to present their Report; and in order that their view of the matter may be better understood, have copied Mr. Duncombe's Petition at length, which is as follows:—

(Copy.)

To the Honourable the Knights, Citizens and Burgesses of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The Petition of Charles Duncombe, of Burford, in the County of Oxford, in the Province of Upper Canada, Esquire, and Member for that County in the present House of Assembly, for that Province,

Humbly sheweth,

THAT your Petitioner has been deputed by the Reformers of that Province to lay before His Majesty's Government and your Honourable House the dangerous crisis at which the affairs of that Province have unhappily arrived, through the unconstitutional violence and outrage practised and sanctioned by Sir F. Head, the present Lieutenant-Governor, and those under his immediate influence and control, at the late elections, for the purpose of obtaining a majority in the House of Assembly.

That in the county of Oxford, where your Petitioner was a successful candidate, John B. Askin, Esq., returning officer, in the early part of his election, while the contest was doubtful, refused to take the votes of many Reformers, long resident in the Province, though they had voted at former elections, and offered to take the oaths required by the statute, some of whom had taken the oath of allegiance before James Ferguson, Esq., returning officer at the last election, and now the opposing candidate and registrar for the county of Oxford, upon the ground that they had not the certificate with them of their having taken the oath which had not formerly been required at any of your Petitioner's previous elections. They declared their willingness to take the oath of allegiance at the hustings, where it had frequently been administered at former elections, but which was utterly refused on this occasion by Mr. Askin, the returning officer.

That after the election closed in Oxford, your Petitioner, who is a freeholder of Middlesex, proceeded on the last day of the election to the polling for that county; on arriving within a mile and a half of the village of London, where the election was held, he met Mr. Moore, one of the successful Reform candidates, escaping from the Orangemen, whom he said had threatened his life, and that he should not be returned, and who were driving with clubs the Reformers from the hustings, and beating them wherever they found them.—That your Petitioner believes such would have been less likely to occur had the election for this county been held at the village of St. Thomas, where it had formerly been held, and where it was firstly appointed by Sir Francis Head to have been held, as it was not the residence of the officers of the Government, who at London, with Mr. Cronyn, a clergyman of the Church of England, who had been recently inducted into the rectory of that place, were constantly hurraing and cheering on the Orangemen, who were seen running through the streets intoxicated, with clubs, threatening the Reformers with instant death if they shouted "Reform;" and Mr. Moore said, that when the rioting commenced in the early part of the election, Edward Allan Talbot and John Scatchard, Esquires, magistrates of that place, swore in some twenty special constables to keep the peace.

That Mr. Wilson, the returning officer, forbade the magistrates from interfering with the rioters during the election, and when Mr. Talbot insisted on his right as a magistrate to keep the peace, at any place not immediately about the hustings, the returning officer threatened to commit him to prison.

That of the many complaints the people of Upper Canada have to prefer, the following deserve the immediate attention of your Honourable House.

That the Lieutenant-Governor, the Attorney-General and Solicitor-General, and in general every public functionary, made common cause with the Tories and Orangemen

Petitioner deputed by Reformers.

Violence and outrage of His Excellency Sir F. B. Head.

Returning Officer refuses to take votes of Reformers unless they had the certificate of the oath of allegiance.

The life of Mr. Moore threatened by Orangemen.

Orangemen seen running through the streets intoxicated, threatening with instant death any who should shout "Reform."

Returning officer forbid the interference of the magistrates to quell the rioters.

Lieutenant-Governor and Crown Officers make common cause with Orangemen and Tories.

Report to
House of Assembly.

Elections fixed at places
favourable for the Tories.

Patents issued for quarter
acres uncultivated land,
some of them bearing
date after opening the
poll.

Dr. Phillips declines
taking the oath.

Thousands of such grants
voted on at the election.

Grants of land were
made to persons who had
not applied for them.

Patents not usually
issued till fees paid.

Outrage and violence
committed by Orange-
men at many of the
elections.

Their grand master re-
turned for Leeds.

Rioters pull down hust-
ings at Grenville.

Unconstitutional acts
encouraged by Lieu-
tenant-Governor.

Petitioner prays for
justice.

Mr. Duncombe repre-
sents himself as deputed
by the Reformers.

Petitioner promulgates
statements notoriously
false.

against the Reformers, using every means in their power to overcome the Reformers and influence the election in favour of the Tory candidates.

That the returning officers were appointed by the Lieutenant-Governor of such persons as were known most likely to forward his views.

That the elections were fixed by the Lieutenant-Governor at places to favour the Tory candidates, and, as in Middlesex, where the place first appointed, and where former elections had been held, were changed because that place first fixed was considered favourable to the Reformers.

That by the general law of Upper Canada, no elector can vote upon a freehold, the transfer title of which has been less than three months in his possession, and registered as such.

That Sir Francis Head, in order to overwhelm these legally-registered electors, issued large numbers of patents or grants of lands, under the Great Seal, in many cases for only a quarter of an acre of wild uncultivated land, on which no buildings were erected, such grants being generally dated subsequent to the dissolution of Parliament, and in some cases even after the opening of the poll, at which the holders of such grants actually voted.

That the holders of such grants, as in the case of the Rev. Dr. Phillips, one of the new rectors of the Established Church of England, were called upon at the hustings to swear to the value of such grants being forty shillings: he declined to do so, and could not vote.

That the number of such patents to be prepared was so great as to require an additional number of clerks to get them ready, and your Petitioner believes he would be able to prove thousands of such grants of land were issued and voted upon at the election.

That such grants were distributed openly at the places of election to persons who had not applied at that time for such patents, and who received them to enable them to vote, without paying the usual fees. At Simcoe, one of the many instances, Mr. Ritchie, the Government emigration agent, thus issued hundreds of these grants to persons who voted immediately on them.

That heretofore the uniform practice has been not to issue the patents until the purchase-money and fees have been paid, and all the conditions of the order in Council been complied with.

That bands of Orangemen, supposed to have been organized by their lodges, committed acts of outrage and violence at many of the elections, and the returning officers, as at London, refused to allow the magistrates to interfere to prevent such breaches of the peace.

That at Leeds these bands, generally armed with clubs or knives, drove the Reformers and their candidates from the hustings, and at Leeds procured the return of the grand master, Ogle R. Gowan, as member for that county.

That the rioters then proceeded to Grenville, where the Reform candidates were at the head of the poll, pulled down the hustings and destroyed the poll-booths.—[*Query, books?*]

That by these and many other unconstitutional acts, encouraged by the Lieutenant-Governor and public functionaries in every part of the Province, the real electors have been overwhelmed and their franchise rendered of no avail.

Your Petitioner therefore humbly begs that your Honourable House will institute such inquiry into these grievances, and adopt such measures as shall do justice to the people of Upper Canada.

(signed) Charles Duncombe.

(A true copy.) J. Joseph.

It will be observed that Mr. Duncombe represents himself in the first paragraph of his petition as having been "deputed by the Reformers of the Province to lay before His Majesty's Government and the House of Commons the dangerous crisis at which," as he asserts, "the affairs of the Province had unhappily arrived, through the unconstitutional violence and outrage practised and sanctioned by Sir F. Head, the present Lieutenant-Governor, and those under his immediate influence and control, at the late election, for the purpose of obtaining a majority in the House of Assembly."

It could not fail to strike your Committee with no small astonishment, as they believe it has every man of intelligence and honourable feeling in the Province, that the petitioner should have ventured to promulgate statements so entirely and notoriously at variance with facts, and so incapable of any even the slightest shadow of proof, as are set forth, not only in the paragraph above cited, but in every other part of his petition, and it appeared

appeared still more extraordinary that he should have presumed to assert that any number of respectable men of any party had authorized him to advance these unfounded statements. The Committee therefore felt it their duty to call before them the leading and most respectable and intelligent members of the party, who assume the political designation of "REFORMERS," to state what they knew of Mr. Duncombe's pretended mission to England, every one of whom disclaimed any knowledge of his right to assume the character of a delegate from them or their political friends! Mr. Bidwell, speaker of the late House of Assembly, and, as is universally admitted, the most prominent and able leader of the party known as "*Reformers*," in answer to the question put to him, stated, that "he had no communication of a political character with Dr. Duncombe, and that of course he gave Dr. Duncombe no authority or directions to make any application to Parliament or to His Majesty's Government on his behalf." Dr. Baldwin, president of a society called "The Constitutional Reform Society," and "chairman of the Toronto Political Union," the father of Mr. Robert Baldwin, one of the members of the late Executive Council, states, that "he was aware that Dr. Duncombe was going to England, and gave him a letter to his son, but did not depute him to go there, neither was he deputed by the society of which he was president, to his knowledge." Mr. Peter Perry, a member of the late House of Assembly, and chairman of the Committee to whom during the last Session was referred the correspondence relative to the resignation of the late Executive Council, who avows himself a "liberal Reformer," and who is known to be an active and prominent member of the party, states that "he did not depute Dr. Duncombe to go to England," had no "conversation with him on the subject of his mission; HE (Mr. Perry) was in the city of Toronto in July last, and met Dr. Duncombe, but the subject of his going to England was not mentioned to him."

Most respectable gentlemen of the Reformed party, disavow any knowledge of Mr. Duncombe's mission.

Mr. Parke, Mr. McIntosh, Mr. Thorburn, Mr. McMicking, Mr. Shaver, Mr. Cook, members of the late, and re-elected to the present House of Assembly, and Mr. Durand, one of the late members who lost his seat at the late election, and all of them avowed Reformers, severally declare that Mr. Duncombe was not deputed by them to go to England, or by any of the party to which they belong, so far as they have any knowledge; and several of them declare that they did not even know that he had gone until they were informed that he had sailed from New York; this statement is further corroborated by one of Dr. Duncombe's near neighbours, and formerly one of his political supporters, Mr. Whitehead, who declares that he does not believe that even the Reformers in his own neighbourhood knew any thing of his mission. Mr. Duncombe was requested to attend the Committee during the inquiry, and did attend for some time; he has, moreover, been furnished with a copy of the evidence above adverted to, and he has at no time attempted to disprove the inferences drawn from it; neither has he intimated that it is in his power to do so.

Mr. Whitehead declares that even the Reformers in his own neighbourhood knew nothing of Mr. Duncombe's mission.

The truth of the case the Committee believe to be this: Mr. Duncombe, having some private business to transact with the Government in England, was desirous of advancing his claims, by representing himself as a person of some importance, and with that view assumed the character of delegate of "The Reformers of the Province," but without any authority whatsoever for doing so.

Mr. Duncombe assumed the character of delegate without authority.

Mr. Duncombe, in the next paragraph of his petition, charges Mr. Askin the returning officer with having improperly refused to receive certain votes that were tendered. Whether for Mr. Duncombe, or his opponent, or both, is not mentioned. Admitting the truth of this charge, it does not appear on what ground the Lieutenant-Governor of the Province, or any other officer of the Government, could be made responsible for it. It is not pretended that if Mr. Askin acted improperly, he had so acted in consequence of any instruction to that effect; and if it had been so charged, the assertion could readily have been disproved; but in justice to Mr. Askin, a man admitted by all parties to be above the suspicion of corruption in the performance of a public duty, which he was sworn to execute faithfully and impartially, it is right to state, that the most satisfactory proof was adduced before the Committee, that the charges made against him by Mr. Duncombe were altogether without foundation, and this Mr. Duncombe must have known at the time he preferred them. Mr. Askin raised no objection to any vote himself; and Mr. Whitehead, one of the opposing and unsuccessful candidates, whose statement is appended to this Report, says, that *he is not aware of one vote being rejected but by common consent of the candidates*. In addition to this, Admiral Vansittart, the Rev. Mr. Betteridge, James Ingersoll, Esquire, and several other most respectable persons who were present during the election, declare that at its close Mr. Duncombe addressed the people present, and stated, with reference to the returning officer, that, "although he understood

Mr. Askin is charged with having improperly refused certain votes.

Proof adduced that the charge was unfounded.

At close of election Mr. Duncombe addressed the people, declaring the conduct of the returning

officer as having been most gentlemanly.

he was of different political sentiments, he was compelled in justice to say, that his conduct as returning officer had been most gentlemanly and impartial throughout the whole election."

Lieutenant-Governor charged with having improperly changed the place of polling;

Mr. Duncombe next prefers allegations against the conduct of the returning officer for the county of Middlesex, states that Orangemen, led on by the Rev. Mr. Cronyn, were guilty of excesses, and intimates that the Lieutenant-Governor had improperly changed the place of holding the election from St. Thomas, where it had formerly been held, to London (which is the county town of the district). With respect to the conduct of the returning officer, and the Orangemen, it may be said, as in the last instance, that if any thing improper occurred, it would be most unjust to impute it to the Government or any one of its officers, but impartial witnesses assert that these charges are also utterly groundless.

Charges utterly groundless.

Rev. Mr. Cronyn's conduct not reprehensible but praiseworthy.

Mr. Burwell, member for the town of London, who was present during the whole election for the county of Middlesex, denies that any violence deserving of serious notice occurred throughout the contest, and particularly exonerates the Rev. Mr. Cronyn from the blame attempted to be thrown upon him, and declares his conduct, as do several highly respectable persons, whose letter addressed to Mr. Cronyn is appended (marked F.), to have been most praiseworthy instead of being reprehensible.

The place of election changed from St. Thomas to London at the request of a meeting of a majority of Reformers.

Mr. Burwell also states that the returning officer conducted himself with much propriety, and that in the discharge of his duty he so fully satisfied all parties, that he was complimented by the several opposing candidates for his impartiality. With respect to the change of the place of holding the election from St. Thomas to London, it appears that the Lieutenant-Governor, so far from being influenced by any hostile feeling to the Reformers in making the alteration, had reason to suppose that he was acting in compliance with their wishes. It appears that St. Thomas having, as usual, been appointed the place for holding the election, a meeting took place at London, a majority of those present being Reformers, when it was resolved to ask his Excellency to appoint London as the place for holding the election instead of St. Thomas. Mr. Stewart, who was afterwards the poll clerk, was deputed to wait upon Sir Francis Head, to solicit his compliance with this request; this he did, and it was granted. Mr. Stewart's statement upon this point is full and clear, and is not contradicted by Mr. Parke, one of the Committee, to the peculiarity of whose evidence in other respects the Committee nevertheless invite the attention of your Honourable House.

Lieut.-Governor, with Attorney-General and Solicitor-General, charged with making common cause with Tories and Orangemen.

The next item of complaint in Mr. Duncombe's petition is, that the Lieutenant-Governor, the "Attorney-General, the Solicitor-General, and in general every public functionary, made common cause with the Tories and Orangemen against the Reformers, using every means in their power to overcome the Reformers, and influence the election in favour of the Tory candidates."

This paragraph was evidently introduced by Mr. Duncombe in his petition for a double purpose.

The charge unfounded.

Vast majority of the people of the Province loyal.

1st. To persuade the House of Commons and His Majesty's Government in England that a party exists in this country known as Tories and Orangemen, who are tyrannically opposed to the liberties of the people, and especially that portion of them *self-designated* Reformers; and secondly, that the Lieutenant-Governor, the Attorney-General, the Solicitor-General, and in general every public functionary in the Province, corruptly endeavoured to aid and assist the Tories and Orangemen in securing a return of their political partisans to the House of Assembly. It would be difficult for the parties accused to meet charges so vague and uncertain, but the Committee deem it their duty to declare that the political distinctions Mr. Duncombe would set up, are as unfounded in fact as they would be injurious to the peace and welfare of the community if they existed. THE VAST MAJORITY of the people of the Province are loyal to their Sovereign, and strictly and ardently opposed to those, and *those only*, of their fellow-subjects, whose political doctrines they conceive tend to a subversion of the constitution under which they live, and ultimate separation from the parent state; of this description of persons thousands were found two years ago among the political supporters of Mr. Duncombe and his remaining friends, who at the last election deserted them, because of the dangerous tendency of their measures during the last Parliament; and although it would be hazarding little to say, that a large majority of those persons are of more tried loyalty, possessed of larger property, and having infinitely greater stake in the country than Mr. Duncombe, it is now convenient for that individual and others to denounce them, and to ascribe the change in their political opinions to intimidation, corruption and fraud. It only remains for your Honourable House indignantly to repel, as this Committee does not hesitate to do, *this gross and unfounded aspersion of the integrity and independence of the electors of*

Mr. Duncombe denounces his former friends, and ascribes their political change as arising from corruption and fraud, which should be indignantly repelled by the House.

Upper

Report to
House of Assembly.

Upper Canada; (further notice of the calumny would be inconsistent with the dignity of the Assembly, or the respect due to the loyal and intelligent people they represent.)

With respect to the part taken by the officers of the Government during the late election, it cannot be denied that they felt a strong interest in the result of those elections; if it had been otherwise they might well be charged with the most culpable indifference to the future peace, welfare and good government of the Province. But if it were intended by Mr. Duncombe or any other person to charge the public functionaries with conduct inconsistent with their duty, either in reference to their office, or as subjects, the proof or the justice of any such accusation has not been brought, or attempted to be brought, before your Committee, and, as they are well satisfied, for the best of all possible reasons, because none could be adduced.

The conduct of every individual connected with the Government during the recent elections was open and undisguised. No evidence was given that violence or deception was practised by any of them; none was necessary, and no one would have been influenced by such unworthy means if they had been attempted.

The Attorney and Solicitor-General of the Province are particularly mentioned as having rendered themselves conspicuous in opposing "the Reformers," or, more properly speaking, the defeated, and therefore disappointed party. If the charge had been literally true, the Committee are yet to learn, that so long as those officers confined themselves to the exercise of a fair and legitimate personal influence among those of the electors who had confidence in them, they were, on that account, justly obnoxious to censure.

Few men of honour or patriotism would be willing to accept office upon condition that they should take no part in any attempt to arrest the progress of measures, however certain it might be, that if successful, they would be followed by the overthrow of those institutions, upon the maintenance of which depended the security of liberty and property throughout the country. But, more particularly to expose the injustice and folly of endeavouring to attach blame to the two gentlemen mentioned, for the part they took in the recent elections, it is fit to mention what their conduct really was.

The Attorney-General resides in the city of Toronto, and voted for Mr. Draper, the successful constitutional candidate, against Mr. Small, the late member for the city; and he afterwards voted in the neighbouring counties of Halton and Wentworth. No other act of interference has either been mentioned or proved; and it is for your Honourable House and the country to say whether he deserves censure for exercising this common right of a British subject.

The Solicitor-General was the first member returned at the late general election; he was elected for Kingston without opposition. Subsequently he was requested by numerous freeholders of the incorporated counties of Lennox and Addington to attend the election there. Mr. Hagerman was born in the county of Lennox, and owns a valuable property there; he complied with the request made to him by his oldest neighbours and friends, and on appearing at the place where the election was held, he was proposed and seconded as a proper person to represent his native counties, and was called upon to address the freeholders; he declined the nomination, having already been elected for Kingston, and stated to the electors that he would not delay the polling by addressing them then, but would do so at the adjournment of the poll in the evening. He did so, and on the following morning recorded his vote in favour of Messrs. Cartwright and Detlor, the successful candidates, and in the course of the day he returned to Toronto. What effect the course pursued by the Solicitor-General at this election may have had, is not known; but no one has ventured to say that it was in any respect unfair or dishonourable.

It is proper further to remark, in reference to this officer, and to show that he made no extraordinary exertions to overthrow the party politically opposed to him, that although a freeholder and entitled to vote in six different places (at all of which he might have voted if desirous of doing so), the only candidates that he did vote for were Messrs. Cartwright and Detlor.

The Committee having thus disposed of the minor parts of Mr. Duncombe's petition will now advert to that portion of it that may justly be considered as of the greatest importance; viz., the accusation against his Excellency the Lieutenant-Governor; and it is with no common degree of satisfaction that the Committee feel themselves justified in declaring that every charge and insinuation made against a man to whom the Province of Upper Canada owes so large a debt of gratitude, for firmness of principle and patriotic conduct, is wholly and utterly destitute of truth. Few Governors of a colony were ever placed in circumstances of greater difficulty than those which assailed Sir Francis Head

Officers of Government felt strong interest in the result of the late election, but no proof has been attempted of any wrong proceedings.

No evidence of any violence or deception being practised.

The Attorney and Solicitor-General represented as being conspicuous in their opposition to Reform.

Opposition of the Attorney-General consisted in his voting for Mr. Draper in the city of Toronto, and giving his vote at the elections held in Wentworth and Halton.

Solicitor-General returned without opposition for Kingston. Afterwards attended the Election for the counties of Lennox and Addington.

Addressed the electors at the close of poll in the evening, and recorded his vote the following morning.

Might have voted in six counties, but voted in only one.

Every charge and insinuation made against the Lieutenant-Governor utterly destitute of truth.

Circumstances of great difficulty encountered by Sir F. B. Head.

Who met them with great firmness and judgment.

The circumstances of the late dissolution quite familiar to the whole country, and their opinion on the subject deliberately pronounced.

In contradiction to Dr. Duncombe's opinion, it is stated,

That the Returning Officers were the same as those appointed by Sir John Colborne, with the exception of the four following persons:

Albert French, Esq., county of Dundas, deceased.

Adiel Sherwood, Esq., for county of Leeds, removed to Brockville.

George Lount, Esq., for county of Simcoe, complained of at former Election.

Alexander Wilkinson, Esq., for second riding of Lincoln, removed to the eastern district.

Officers appointed and superseded, being absent from the Province.

Mr. Givens, returning officer for Middlesex, ill.

Nine returning officers decline acting, being themselves candidates.

No complaints against any of the officers newly appointed, except Mr. Askin and Mr. Wilson.

Assertion that the places of holding the elections were changed, not true.

within three months of his assuming the government of the Province; and it is perhaps not too much to say, that no man could have met those difficulties (ungenerously and unreasonably thrown in his way) with more temper, firmness and judgment than he did.

It would be out of place and unnecessary to advert more particularly to the causes which led to the dissolution of the late House of Assembly. The whole country is familiar with the facts, and has honestly, deliberately and conclusively pronounced their opinion upon them; but it appears to have been the object of Mr. Duncombe and others to impress the House of Commons and His Majesty's Government with the opinion, that this decision of the electors of the Province was not *bonâ fide*, but brought about by means the most corrupt and detestable.

It is believed that those accusations have had very slight effect on the parties to whom they were addressed; but it may nevertheless prove of some advantage to the cause of truth, if their injustice were exposed to the open view of all who feel any inclination to look and examine.

It is first alleged, "that the Lieutenant-Governor appointed such persons returning officers as were known to be most likely to forward his views." In contradiction of this charge it will appear by the annexed official return from the Clerk of the Crown in Chancery [see Appendix marked H.], that in the 39 towns and counties where elections were held in the Province, the same persons were re-appointed returning officers at the late elections that discharged that duty under appointments from Sir John Colborne in 1834, with the exception of the four following:—

Albert French, Esq., coroner of the eastern district, was returning officer for the county of Dundas in 1834; he died early in 1836. Mr. M'Donell was in consequence appointed, against whom no complaint has been offered by any one; *Reformers were returned for this county.*

Adiel Sherwood, Esq., sheriff of the district of Johnstown, was returning officer for the county of Leeds in 1834; he was transferred to the town of Brockville, the county town, in 1836, and Joseph King Hartwell, Esq., the senior coroner of the district, took his place for the county of Leeds. The Reform candidates were defeated by large majorities at this election; but made no complaint whatever against the conduct of the returning officer.

George Lount, Esq., was returning officer for the county of Simcoe in 1834, on which occasion his brother was returned. Complaints were made against the conduct of Mr. Lount on that occasion (whether justly or not the Committee give no opinion), and as his brother was again a candidate in 1836, it was deemed advisable to appoint another person in his place; Mr. Thomas Collier was selected, whose conduct is admitted to have been perfectly unexceptionable and satisfactory; Mr. Lount was defeated by a large majority. Alexander Wilkinson, Esq., was returning officer for the second riding of the county of Lincoln in 1834. He afterwards removed to the eastern district, 250 miles from Lincoln, and Robert Easton Burns, a barrister, was appointed in his place, against whom not a whisper of complaint has been heard. The same member was returned for this riding that represented it in the late house. In every other instance, as has been stated, the persons were re-appointed returning officers in 1836, that had discharged that duty at the preceding general election (and it may be added, in most instances, at several others). The following gentlemen, however, were afterwards superseded for the reasons mentioned: Mr. Spragg, returning officer for the city of Toronto, and Mr. Fraser, returning officer the same year for the county of Russell, were again appointed in 1836; but it having been ascertained that they were absent from the Province, Mr. Washburn, a barrister, was substituted for the former, and Charles Platt Treadwell, Esq., for the latter. Mr. Wilson was appointed in place of Mr. Givens in the county of Middlesex, in consequence of the severe illness of the latter gentleman.

The following gentlemen, who were returning officers in the year 1834; viz., Mr. Ferrie for the town of Hamilton, Mr. Hotham for the county of Prescott, Mr. Powell for Lanark, Mr. Ruttan for Northumberland, Mr. Thorne for the first riding of York, Mr. Leys for the third riding of York, Mr. Alexander M'Donell for the first riding of Lincoln; Mr. Stewart for the fourth riding of Lincoln, and Mr. Ingersol of the county of Norfolk, declined acting, having declared themselves candidates. *Not the slightest complaint has been made against any of the new appointments which thus became necessary, with the exception of Mr. Askin and Mr. Wilson, the charges against whom have already been considered.* It is next asserted that "the elections were fixed by the Lieutenant-Governor at places to favour the Tory candidates, and as in Middlesex, where the place first appointed, and where former elections had been held, were changed because that place first fixed was considered favourable to the Reformers." The injustice of the charge as respects the change of the place

place for holding the election for Middlesex has already been made apparent; and the absolute falsehood of the statement as regards other places is proved by the fact, *that in no other single instance was the place of holding the elections changed from where they were held by direction of Sir John Colborne at the general election in 1834.*

In fact it plainly appears that, both as respects the appointment of returning officers and the places for holding the elections, the Lieutenant-Governor was extremely desirous not to deviate in the slightest respect from the course pursued by his predecessor. It may be proper to remark that the town of London returned a member *for the first time* at the late election, that it terminated quietly and orderly in a few hours. The next and most serious charge against his Excellency is, that, in the exercise of his power as Lieutenant-Governor, he caused patents for land to issue in such vast numbers (in many cases for a quarter of an acre of wild uncultivated land), subsequent to the dissolution of the Assembly, and in some cases even after the opening of the poll, as to overwhelm the previously-existing legal voters, and that this was done corruptly and in violation of his duty and the interest of the people. Before remarking more particularly on this accusation, it may be necessary to state, for the information of those at a distance, that for the last ten years from 5,000 to 50,000 emigrants have arrived in the Canadas annually, great numbers of whom have settled on the waste lands of the Crown in this Province, and to which they acquire a claim to a title upon the performance of certain specified conditions imposed by the Government. It is further proper to observe, that so soon as any of these settlers are placed upon their lands under a location ticket or order in Council, they become liable to assessment, and the occupant is required not only to perform a certain number of days' labour on the highways, but is taxed (among other local and particular objects) *for the payment of wages to representatives of the county or place in which he resides, although he is denied the right of voting for such representative until he is in possession of the patent for his land from the Crown.* It is not surprising then, that, when an election of members is about to take place, these settlers should feel a desire to become qualified to exercise the right of voting, and that such of them as have performed the conditions upon which they become entitled to their deeds, should be urgent in demanding them; in this simple and plain view of the case it might be asked, whether the Government would be justified in refusing these people their deeds, and thereby deprive them of their justly-prized right of exercising the elective franchise? The Committee believe that it will be admitted by every one, that a Government that would refuse the claim of any man to his title under these circumstances, nay, that would not make every possible exertion to issue it when so demanded, and for such an object, ought to be, and most justly would be, denounced as regardless of the just and legal rights of His Majesty's subjects, and unworthy the confidence of either King or people. Influenced by the feeling adverted to, it is unquestionably true that many persons applied for their deeds previous to the last election, and clamorously demanded them [*see Appendix I.*], who probably would not have been so urgent had it not been for the then approaching contest; but when Mr. Duncombe made the assertion contained in his petition, that these deeds were issued by Sir Francis Head for a corrupt purpose, he, it may be supposed, was not aware that a great majority of them were made out in pursuance of orders in Council passed during the administration of his predecessor, and even at an earlier period; that they were for lands for the most part in remote townships, and that in no instance did the few persons who voted upon the recently-issued grants effect the return of a single member of the Legislature. In order to inform themselves fully upon these subjects, the Committee has obtained returns of every patent issued since Sir Francis Head assumed the Government of the Province; the date of the order in Council under which they were completed; the person to whom made; where the lands are situated; and (as far as could be ascertained) whether voted upon or not. This return will be found in the Appendix, J. (1.) and from it it will appear that the total number of patents that passed the Great Seal, between the prorogation of the Assembly on the 20th April 1836 and the close of the late general election, was *fourteen hundred and seventy-eight*, of which number *twelve hundred and forty-five* were issued in pursuance of orders in Council made *prior to Sir Francis Head's arrival in the Province*, and over which he had no more control, and with which he could no more have interfered, than any other officer of the Executive Government. Any attempt to arrest these patents would most justly have subjected him to the severest censure and condemnation, as having disregarded the highest duties of his station by depriving His Majesty's subjects of their admitted and indisputable legal and constitutional rights. From the same returns it will appear that the whole number of patents issued under orders in Council upon the authority of Sir Francis Head, between

In no instance but one (Middlesex) was the usual place of election changed.

In those matters the Lieutenant-Governor followed the steps of his predecessor.

The complaint respecting the improper issue of patents examined.

During the last ten years, great numbers of emigrants have acquired titles to lands.

These emigrants assessed for wages of members of the House of Assembly.

Naturally desirous of exercising the elective franchise, and (having completed their claims to titles for their lands) it would be highly unjust in any Government to deprive them of it at such a time.

Many titles completed since the time of the present Lieutenant-Governor, were under orders in Council passed long since, and in no instance have they influenced the return of a single member. Returns of all patents issued since Sir F. Head assumed the Government.

From the prorogation of the Assembly, 20th April 1836, to the close of the election.

Issued 1,478, of which 1,245 were under orders in Council, passed prior to his arrival, and over which he consequently could have no control, and could not on any justifiable grounds refuse.

Patents issued under order in Council, by Sir F. Head's authority, during the same period,

150. Several of these to females.

Total of patents granted under orders in Council, from the Lieutenant-Governor's arrival to the close of the elections, 233. 30 to females. 7 to Crown purchasers. 73 to Col. Talbot's settlers, and they entitled to their deeds. 123 to U. E. loyalists, old soldiers, &c.

In justice both to the Lieutenant-Governor and the Electors of the Province, the Committee adverts to the state of the polls at the conclusion of the elections.

County of Prescott, majorities over Reform Candidates, 128 and 104. Ditto, county of Stormont, 51.

Ditto, county of Leeds, 194 and 182.

County of Frontenac, majority over one Reform member 129.

Ditto, Lennox and Addington, 100 and 90.

Ditto, county of Prince Edward, 267 and 229.

County of Hastings, over one Reform member, 53.

County of Northumberland, over one Reform member, 134.

City of Toronto, over the late Reform member, 85.

County of Halton, majorities 120 and 52.

County of Wentworth, 99 and 57.

No complaints, that the issue of patents affected these returns.

Messrs. Bidwell and Perry deny that the issue of patents affected them.

In cases where Reformers did succeed, it was by far less majorities than formerly, except in few cases.

In ten counties and one town, 17 new members chosen in lieu of as many of the Reform party.

the prorogation of the Assembly and close of the election, *was one hundred and fifty*, and of these several were to females and other persons resident in parts of the Province remote from the place where the lands granted them were situate, and who never could have contemplated making use of them for the purpose of voting. To render the groundlessness of the charge against his Excellency if possible still more apparent [*see also Appendix J.*], the Committee have ascertained that the whole number of patents issued under orders in Council, *since his arrival in the Province to the close of the election*, was *two hundred and thirty-three*, of which number *thirty were for females, seven to purchasers from the Crown who had paid up their purchase-money, seventy-three settlers under the Honourable Colonel Talbot and the Honourable Peter Robinson, who were entitled to their deeds upon producing certificates of having performed their settlement duties, and one hundred and twenty-three U. E. loyalists, militia-men, pensioners and old soldiers.* It will probably be considered as altogether unnecessary to dwell further on this point of accusation, but in justice not only to the Lieutenant-Governor, but to the electors of the Province themselves, who are implicated in the charge that the return of their present representatives was effected by fraud and corruption, the Committee will shortly advert to the state of the polls at the conclusion of the elections for the different counties, ridings and towns in the Province, and contrast the evidence which the poll-books afford with the unfounded assertion, that the majorities they present were brought about by the means alleged by Mr. Duncombe.

In the county of Prescott, Messieurs Hotham and Kearns were returned in opposition to the two former members, called Reformers, by majorities of 128 and 104.

In the county of Stormont, one of the members of the late House, a Reformer, was defeated by Mr. McLean, by a majority of 51.

In the county of Leeds, Messieurs Jones and Gowan displaced the two late members, who were Reformers, by majorities of 194 and 182 votes.

In the county of Frontenac, one of the late members, a Reformer, was displaced by a majority of 129 votes.

In the incorporated counties of Lennox and Addington, the two late members, Reformers, were defeated, and Messieurs Cartwright and Detlor returned by majorities of 100 and of 90 votes.

In the county of Prince Edward, the two late members, Reformers, were defeated by Messieurs Armstrong and Bockus, by majorities of 267 and 229 votes.

In the county of Hastings, one of the late members, a Reformer, was defeated by a majority of 53 votes.

In the county of Northumberland, one of the late members, a Reformer, lost his election by a majority of 134 votes.

In the city of Toronto, the late member, a Reformer, was defeated by Mr. Draper, by a majority of 85 votes.

In the county of Halton, the late members, Reformers, were displaced by Messieurs Chisholm and Shade, by majorities of 120 and 52 votes.

In the county of Wentworth, the two late representatives, Reformers, were displaced by Messieurs Macnab and Aikman, by majorities of 99 and 57 votes. [*See Appendix.*]

In no one of these places has it been alleged or pretended that a different return of a single member would have been effected if not one patent had been issued for the last twelve months; the defeated candidates have not in a single instance complained that the contest was not carried on with perfect fairness and propriety.

The statement made by Mr. Bidwell and Mr. Perry may be taken as a specimen of the views of the leaders of the defeated party; these gentlemen deny that the loss of their election was accomplished by the issuing of patents, neither do they charge unfairness of conduct to any one.

In each of the other counties and towns, with the exception of Simcoe and the second riding of the county of York, upon which the Committee will offer some observations hereafter, the same members, or members of the same political principles, were returned as in the last Assembly, with this difference, however, that, with very few exceptions, the Reformers carried their elections by far less majorities than formerly, while their political opponents were either not opposed at all, as in Russell, Kingston and Huron, or succeeded by greatly-increased majorities.

It will be thus seen that in ten counties and one town 17 members of the late Assembly, of the Reform party, were rejected, and the like number of persons of opposite principles were peaceably and fairly returned; and against whose return no opposition or complaint has ever been made.

The last House of Assembly was composed of 61 members, of whom 36 styled themselves Reformers. If then 17 were taken from their number and added to their opponents, the present Assembly, without reference to Simcoe or the second riding of York, would be composed of 19 Reformers and 42 adherents of the constitution as by law established; the only political distinction the opponents of Reformers desire to assume,—a sufficient proof of a deliberate change in the political sentiments of the people.

But the Committee have reserved their observations on the defeat of Mr. Lount, a member of the last House of Assembly for the county of Simcoe, and Mr. Mackenzie, also a member of the late House for the second riding of the county of York, and both Reformers, for distinct remark, as the loss of their elections appears to have been ascribed to the wrongful issuing of patents by Sir Francis Head, more particularly than any other, and because the allegations with respect to both these cases have been met by direct proof of their falsehood. In the first place, it should be observed, that Simcoe being a county in the interior, composed of townships but recently settled, there were a greater number of persons settled on their lands there, without deeds, than in any other part of the country, it being in fact that portion of the Province where emigrants, militia claimants, &c. have of late years chiefly resorted and taken up their lands; and by reference to the returns from the Surveyor-General's Office it will be seen that a large proportion of the patents issued, since Sir Francis Head assumed the Government, were for lands in the county of Simcoe and other parts of the home district. But to proceed to Mr. Duncombe's accusation: he asserts that he believes that he would be able to prove that "THOUSANDS of grants of land were (improperly) issued to overwhelm legally registered votes, and VOTED UPON. That such grants were distributed openly at the places of election to persons who had not applied at that time for such patents, and who received them to enable them to vote *without paying the usual fees*; that at Simcoe, one of the many instances, Mr. Ritchie, the Government emigration agent, *thus issued* hundreds of these grants to persons who voted immediately on them." It is almost needless to dwell on the gross misrepresentations contained in these assertions; as has been shown, the whole number of patents issued amounted to *less than fifteen hundred*, not one of which was issued without paying the usual fees, where any fees were payable, and of which less than 250 were issued under orders of Council during Sir Francis Head's administration, and these to all descriptions of persons, men and women, without distinction, in the usual mode and upon the ordinary terms. And what are the facts with respect to the assertion that "*Mr. Ritchie issued hundreds of these grants to persons who voted immediately upon them?*"—they are as follows: Mr. Jarvis, the deputy secretary and registrar, for the reasons mentioned in his letter hereunto annexed [see Appendix I.], and without consulting any other person, delivered Mr. Ritchie all the patents remaining in the office for lands situate in the county of Simcoe, some of them ten and fifteen years old, and not knowing whether the grantees lived in the county or not; the whole number amounted to 303; of this 170 were returned, the owners not having applied for them, and 133 were distributed or retained in the hands of the agent, *and only eighteen of the persons who so received these deeds voted at the election, as appears by the poll-book*. Mr. Robinson's and Mr. Wickens' majority over Mr. Lount, after less than two days' polling, was 126 and 120 to 34. Your Committee deem further comment on this subject unnecessary. Your Committee will however remark, that Mr. Lount was summoned to appear before them, but has wholly neglected to do so.

Those paragraphs of Mr. Duncombe's petition which state that "*large numbers of patents or grants of land were issued under the Great Seal, in many cases for only a quarter of an acre of wild uncultivated land, on which no buildings were erected, such grants being generally dated subsequent to the dissolution of Parliament, and in some cases even after the opening of the poll, at which the owners of such grants actually voted.*"

"That the holders of such grants, as in the case of the Reverend Dr. Phillips, one of the new rectors of the Established Church of England, were called upon at the hustings to swear to the value of such grants being forty shillings; he declined to do so, and could not vote," were intended to apply to the election for the second riding of the county of York; and as much has been said with respect to this election, the Committee have, as already stated, reserved it for particular remark. It was evidently the design of Mr. Duncombe to impress the House of Commons with the belief that for the purpose of "overwhelming the legally-registered votes," Sir Francis Head had divided parcels of wild uncultivated land into small lots, "in many cases only a quarter of an acre," and being of less value than "forty shillings." Mr. Duncombe, however, was careful not to explain that in all the towns in the Province the size of a lot is generally, if not universally, *an acre or less*; and

In the last House of Assembly 61 members, 36 styled themselves Reformers.

Proof of a change in the political sentiments of the people.

Remarks on the cases of Mr. Lount, county of Simcoe, and Mr. Mackenzie, second riding of York.

Simcoe a back county, but recently settled by emigrants, military claimants, &c.

Many patents issued for that county, and why.

Dr. Duncombe says thousands of patents were issued and distributed at the elections without payment of the usual fees.

And voted upon immediately.

This assertion grossly untrue.

Less than 1,500 issued altogether, of these less than 250 under orders in Council, during Sir F. Head's administration.

Case of Mr. Ritchie examined.

303 patents given to Mr. Ritchie. For what reason. Of these 170 were returned not being applied for, and only 18 persons in all voted on the remaining 133.

Majorities over Mr. Lount 126 and 120 to 34.

Mr. Lount summoned by Committee, but did not attend.

Dr. D.'s statement respecting grants of small portions of land.

The Rev. Dr. Phillips case—

Apply to the second riding of York.

Case of this election considered.

Dr. Duncombe evidently designed to mislead the House of Commons.

Town lots generally very small, from one acre downwards.

Report to
House of Assembly.

Dr. Phillips could not
be required to swear to
the "value of his grant."

Case of the lands at the
mouth of the Credit,
explained.

These lands sold at
auction.

Five persons voted on
the lands so acquired.

Dr. Phillips did not re-
ceive his title from the
Crown.

Only one person voted
at this election on lands
granted after the proro-
gation.

The majority against
Mr. McKenzie was 100.

No petition has been
received by the House
based on any of the
grounds set forth in Dr.
D.'s petition, except one
from Mr. Mackenzie.

Reasons why that peti-
tion was discharged.

Charge against Orange-
men.

That armed with clubs
or knives they commit-
ted divers depredations,
and returned Ogle R.
Gowan, their G. Master,
member for the county
of Leeds.

Dr. D.'s object in mak-
ing these representa-
tions.

Duty of the House to
assure His Majesty of
the falsity thereof.

and he further omitted to state that no deeds had been issued for so small a quantity of land, except in towns, while he grossly misrepresented the truth when he stated that Dr. Phillips or any other person was *required*, or *could be required*, to swear to "the value of his grant;" the oath required of an elector is that his freehold is of the *annual value of forty shillings*, and this Mr. Duncombe very well knew. But more particularly to notice the facts with respect to the election of the second riding of York, and the effect had upon that election by the issuing of grants, as intimated in Mr. Duncombe's petition. In the first place it is necessary to state that on the 20th June 1835, a block of land reserved for the use of the Indians, was laid out *for the site of a town* at the mouth of the River Credit [see Appendix K.], where a number of houses and stores have already been erected, and which promises to become in a short time a very flourishing place. This block of land was laid out in quarter-acre lots, which were put up in the *months of August 1835 and May 1836 to public auction*, the proceeds of the sale being applied wholly and exclusively to the use and benefit of the Indians; at these sales a number of persons became purchasers, and having paid the purchase-money, FIVE of them, and FIVE only, voted upon the property thus acquired; and there is not the slightest reason to doubt their being of greater annual value than forty shillings. Dr. Phillips was not a proprietor of these lots, neither did he acquire his title to the land he offered to vote upon from the Crown, but by transfer, and he has further been in possession of his title, *legally registered, for several years*.

With respect to other voters at the election, there was but ONE *who voted upon lands granted under an order in Council issued between the day of the prorogation and the return day of the writ of election*. The majority against Mr. Mackenzie was *one hundred votes*. Under these circumstances, it appears to your Committee that nothing can be more glaringly absurd than to charge the rejection of Mr. Mackenzie by his late constituents to the interference of Government by the issue of grants of land.

It is stated by Mr. Duncombe that the patents voted upon bore date generally subsequent to the dissolution of the Assembly, and in some cases even after the opening of the poll. Admitting this to be so, the Committee see no reason why the ordinary business of the country is to be put a stop to, or why persons entitled to their patents should be refused them, because the Assembly had been dissolved, or because an election was in progress. To these facts let it be added, that with respect to all these elections, no petitions have been presented to the House complaining of undue returns on any of the grounds set forth in Mr. Duncombe's petition, with the exception of one from Mr. Mackenzie; who, however, from alleged illness, did not make application until some time after the period prescribed by the rules of the House for receiving such petitions had expired.

The House, nevertheless, willing to afford every opportunity to Mr. Mackenzie to show that he had been unfairly or illegally rejected, granted him a week after his recovery to prepare and present his petition. This he did, but neglected to enter into the necessary recognizances within the time prescribed by law, and his petition was in consequence discharged.

There is but one other point referred to in Mr. Duncombe's petition that requires notice. He speaks of "bands of Orangemen, supposed to have been organized by their lodges, who committed outrage and violence at many of the elections."

"That at Leeds, these bands, generally armed with clubs or knives, drove the Reformers and their candidates from the hustings, and procured the return of the grand master, Ogle R. Gowan, as member for that county."

"That the rioters then proceeded to Grenville, where the Reform candidates were at the head of the poll, pulled down the hustings, and destroyed the poll-books;" and concludes by saying that "by these and many other unconstitutional acts, *encouraged by the Lieutenant-Governor and public functionaries in every part of the Province*, the real electors have been overwhelmed, and their franchise rendered of no avail."

Mr. Duncombe, in making these statements, like many other persons who are indifferent as to the means they employ to accomplish the end they have in view, has endeavoured to impress the House of Commons and His Majesty's Government in England with the belief that this country is a prey to rival factions of Orangemen and their opponents, and that the Lieutenant-Governor lends himself to the support of an illiberal and exclusive policy, distinguishing parties, not on account of their loyalty and general merit, but in proportion as they are subservient to his arbitrary rule. The people of Upper Canada know and feel the untruth of these unprincipled assertions; and on their behalf your Honourable House can do no more than transmit the assurance to our Sovereign and fellow-subjects in Great Britain and Ireland, that we have been grossly and wantonly misrepresented; and it becomes their duty to declare, in opposition to the insinuations

insinuations of Mr. Duncombe, that Orangemen and Catholics, living in harmony and contentment with each other, enjoy equal religious and civil liberty in Upper Canada; that here, distinctions are forgotten and lost sight of; that Englishmen, Irishmen and Scotchmen, true to their allegiance and their country, know no other rule of public duty than to maintain the constitution under which they live, and strive by every honourable means in their power to defeat the machinations of those who aim at severing this now happy, prosperous and peaceful Province from the parent State.

The Committee will conclude this part of their report by observing that the statements made with respect to the violence used at the election for the county of Leeds is utterly and wholly untrue, and that as regards the extremely reprehensible occurrences at Grenville, they appear to have taken place on a sudden, but without previous organization; the poll-books, it is said, were destroyed; and in consequence of the riot that ensued, the returning officer declared the election closed, and returned the two candidates then at the head of the poll duly elected; these two gentlemen were Reformers—a sufficient proof that the tumult was not excited by their opponents in the expectation of defeating them. This is the only election throughout the Province at which any act of violence or intimidation occurred that in the slightest degree interrupted the peaceable and orderly conduct of the necessary proceedings; and with this remark the Committee dismiss Mr. Duncombe's petition from further consideration.

Statement of the violence used at the election for Leeds untrue.

The only violence or riot that occurred was at the election for Grenville, where two Reformers were returned.

Further consideration of petition dismissed.

With respect to the letter of Mr. Duncombe, addressed to Lord Glenelg, it appears to be a repetition of the matter contained in his petition, accompanied by some general observations on the administration of the Government of this Province, and in it there are only two points that require any special notice. The first is the charge "That public money had been most unconstitutionally placed at the disposal of committees or other agents of the Tory candidates to assist them in their elections. That the sum of 5,000*l.* was placed at the disposal of the Tories calling themselves the Constitutional Society, to be expended in aiding the election of the Tory candidates; that another sum was placed in the hands of the Clerk of the House of Assembly, with instructions to go to the eastern district and use that money to the best advantage (no doubt corruptly) for securing the election and return of members who would support the unconstitutional policy of Sir Francis B. Head."

Mr. Duncombe's letter to Lord Glenelg.

A refutation of the matters contained in his petition.

Sums of money said to have been furnished by Lieutenant-Governor Head for election purposes.

Your Committee will restrain the indignation they feel at this odious and wicked attack upon the honour and integrity of the parties whom Mr. Duncombe has, in the first paragraph quoted, thus basely and falsely accused. It is impossible to believe that Mr. Duncombe did not know, at the time he propagated this calumny, that the Lieutenant-Governor had it not in his power to apply money to the unconstitutional purposes mentioned, without first corrupting the Receiver-General, the Inspector-General, and other public functionaries of the Province; and that if any one of them had yielded to him, they must in the end be inevitably detected and punished. [See Appendix L. and M.] The Lieutenant-Governor is not the receiver of any of the public monies of the Province; he cannot obtain a shilling but through the ordinary channels of other subordinate officers; and those officers are prohibited from advancing money unless it be upon warrants or other prescribed documents and vouchers, which must be subject to the inspection of other members of the Government; but not only does the charge imply the commission of crime on the part of the officers of Government, but a willingness on the part of numbers of gentlemen of the highest respectability and character in the Province to participate in it. There is something so offensive and glaringly wicked in the whole charge, that your Committee might have felt themselves justified in refusing to examine any witness on the subject of it; but as it has been preferred in a representation to the Secretary of State for the Colonies, they have deemed it advisable to append the statement they have received from the Receiver-General, the Inspector-General, and also the testimony of several gentlemen, members of the Society referred to by Mr. Duncombe, to which they refer your Honourable House. [See Appendix L. and M.] With respect to the statement "that another sum of money was placed in the hands of the Clerk of the House of Assembly, with instructions to go to the eastern district and use that money to the best advantage (no doubt corruptly), for securing the election and return of members who would support the unconstitutional policy of Sir Francis B. Head."

Mr. D. ought to have known that the Lieutenant-Governor could not furnish money, without corrupting the subordinate officers of the Government, who must in the end have been detected and punished.

Testimony of the Receiver and Inspector Generals referred to. Money said to be furnished to the Clerk of Assembly.

Your Committee are constrained to believe, that Mr. Duncombe, at the time he promulgated this utterly false accusation, was perfectly sensible that it was so; he had been for several years a member of the Provincial Assembly, and was of course well acquainted with Mr. Fitzgibbon, the Clerk of the House; he knew that gentleman to be an old and faithful servant of the Crown, and a man of the strictest honour and integrity, and that

Committee cannot but think Mr. D. was aware of the falsity of the accusation when he made it. Must have known that too well to suppose him capable of endeavouring to corrupt the Highlanders of the eastern district.

Report to
House of Assembly.

Real cause of the mission of James Fitzgibbon, Esq., Clerk of the Assembly to the eastern district.

Object of his mission accomplished to the satisfaction of all parties.

Mr. Duncombe's Protest against Lord Glenelg's conduct in refusing him an interview.

His Lordship's decision protected many in this Province from further calumny.

Committee trusts his Lordship's example will be followed by future Ministers.

Committee appreciate the conduct of the House of Commons in leaving the matter to the decision of the proper tribunal, the Legislature of the Province.

Magistrates complained of in Shore's case, exculpated.

Explanation thereof by George Gurnett, Esq., mayor-elect of Toronto.

Mr. Duncombe took his seat in the Assembly on the 29th November last, (1836.)

Copy of proceedings furnished him.

if it had ever been proposed to him to undertake a mission so disgraceful, he would have rejected it with indignation and scorn. He knew also how hopeless would have been the attempt to corrupt the brave and loyal Highlanders and other electors of the eastern district; and that had any one appeared among them for such an object, he would have been met with universal execration. The answer to the calumny will be found in the papers annexed [*Appendix N. and C.*], and may be briefly stated as this: a public work of great extent and importance is in progress on the St. Lawrence in the eastern district, many hundreds of labourers, chiefly from Ireland, were employed at the time referred to on this work. Disagreements had occurred between these labourers and the inhabitants residing in the neighbourhood; acts of violence were the consequence, and it was feared that the peace of the district might be seriously disturbed, unless the labourers were kept in check by a superior force. The civil power was not considered sufficient for the purpose, and application was in consequence made to his Excellency to obtain an order to station a body of troops in the neighbourhood. Before assenting to this request his Excellency desired Mr. Fitzgibbon, an Irishman, and supposed to have much influence with his countrymen, to visit Cornwall, and make an appeal to the labourers to conduct themselves in an orderly manner, and to live in peace with the inhabitants. [*See further remarks, Ex. Council, Appendix*]. This was the object of his visit to the eastern district, and he accomplished it most satisfactorily.

The other point in Mr. Duncombe's letter which claims the attention of your Committee, is his protest, "made on behalf of his *countrymen*, who had sent him to England to seek redress," against Lord Glenelg, "for refusing to grant him an interview *at which he should have done more justice to the important duty imposed upon him.*"

Without forming any opinion as to what further statements would have been made had he been admitted to the interview he so earnestly sought with the Noble Secretary of State, this Committee cannot omit expressing the great satisfaction they feel at his Lordship's decision, and which they have ample reason for believing protected the officers of Government, the Legislature, and the electors of the Province from further calumnies and false accusations, the extent and nature of which they are unwilling to conjecture, if it were possible accurately to do so; and your Committee further express the earnest hope that Lord Glenelg and all future Ministers of the Crown will follow the example thus set, of refusing to listen to allegations affecting the honour and interests of His Majesty's subjects, unless reduced to writing, and in such a form as will admit of a just and impartial investigation.

The matter contained in this Report sufficiently proves, that unless this be done, no man or body of men, however irreproachable in character, would be safe from the malignant slanders of hidden and irresponsible accusers.

Your Honourable House will, your Committee believe, in like manner appreciate the course pursued by the House of Commons in relation to the petition presented to them. That Honourable House no doubt felt too high a respect for the constitutional rights of the Legislature of this Province to interfere in matters that it was the peculiar and exclusive duty of this House to investigate. The people of this Province willingly admit the supreme and superintending power of the British Parliament, but they feel assured that that enlightened and patriotic body will have sufficient confidence in the discretion and ability of their representatives to leave to them the management and disposal of accusations that effect their own honour and the social and political condition of the colony, so long as they are confined to subjects that do not concern the general interests of the Empire. There are various other allegations of minor importance in Mr. Duncombe's letter, the refutation of which is either involved in the preceding remarks, or are so manifestly absurd as to require no particular notice.

In justice, however, to the conduct of several magistrates who are accused of having liberated a man of the name of Shore from prison, who afterwards voted against Mr. Mackenzie in the second riding of York, the Committee has desired information upon the subject from Mr. Gurnett, the mayor-elect for Toronto, and at the time one of the aldermen of the city, whose statement is appended [*O.*], and which will show the manner an ordinary transaction has been perverted for the most unworthy object.

The Committee beg further to report that Mr. Duncombe took his seat in the Assembly on the 29th day of November, and was immediately requested to attend the Committee, which he accordingly did; and in compliance with his request, and upon an express order of the Committee [*Appendix P.*], was furnished with a copy of the documents referred to the Committee, and the minutes of evidence previously taken, and was told that the Committee would hear any thing he had to say, and would examine any witnesses

witnesses he might desire to produce. On the 6th December he announced his intention of leaving Toronto in a letter to the chairman, which, with the reply, is annexed, [Appendix D. and E.], and since that period he has not presented himself to the notice of the Committee.

Before closing their Report, the Committee feel it their duty to call the attention of your Honourable House and the country to the fact that the petition of Mr. Duncombe was presented to the House of Commons by Mr. Joseph Hume, a member of the Imperial Parliament for the county of Middlesex, and that that gentleman appears to have been chosen as the agent through whom Mr. Duncombe and Mr. Robert Baldwin have conducted their communications with the Colonial Office. And it further appears from letters of Mr. Hume addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the agent, or at all events as being authorized to express the sentiments of the people of Upper Canada on the subject of their political feelings, and the public affairs of the Province. Your Committee are of opinion that the honour and character of His Majesty's loyal subjects in this Province require that it should be promptly and emphatically declared by their representatives, that Mr. Hume is among the last men they would select to advocate their cause or represent their feelings or wishes to the British nation. The people of Upper Canada recollect that in the year 1834, Mr. Joseph Hume addressed a letter to a correspondent of his in this country, which, referring to his correspondent's recent expulsion from and re-election to the Assembly, contained the following treasonable language and advice:—"Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782, in America, ought not to be forgotten, and to the honour of the Americans, and for the interest of the civilized world, let their conduct and the result be ever in view." And when it is remembered with what indignation and disgust the publication of this detestable communication was received throughout the Province, His Majesty's loyal subjects cannot but regard with abhorrence the idea that the person who had thus insulted them should be supposed by their Sovereign and their fellow-subjects in the United Kingdom to be their accredited agent, that they held any communication with him, or that he was in any way clothed with authority to speak their sentiments or represent their views on any subject, public or private.

With reference to the correspondence of Mr. Robert Baldwin with Lord Glenelg, and which has also been referred to your Committee, and which is annexed to this Report, little need be said further than to notice the representations it in substance contains, that the affairs of this Province have reached an alarming crisis; that the connexion with the parent State is endangered; that the people have lost all confidence in their Government; that they have become dissatisfied and discontented; that owing to the tyrannical and unjust conduct of his Excellency the Lieutenant-Governor, they are almost driven to desperation; and that nothing can save the country from revolution but administering the Government agreeably to his interpretation of the constitution conferred upon us by the Imperial Parliament. In answer to all this, your Committee can only refer to facts that speak louder and carry greater conviction than assertions, however boldly or confidently made. In the first place it is notorious, that before the arrival of Sir Francis Head in this Province, the people began to manifest symptoms of restlessness and dissatisfaction at the measures of "Reformers," who then composed the majority of the House of Assembly. It is well known that this re-action in the public mind was not a little increased by what was considered the ungracious manner in which his Excellency was met by the majority of the late House at the commencement of his Government, and before he had time to develop his views and course of policy; and it is now matter of history that the interpretation placed upon the constitution by Mr. Baldwin and his political associates was denounced and repudiated by the people of Upper Canada, and that the promulgation of these views was immediately followed by the signal overthrow of the party who maintained them.

From the time of the promulgation of the new interpretation attempted to be placed on the constitution, with respect to the powers and duties of the Executive Council, the people of the Province became alarmed, believing as they did that an attempt was made to deprive the Representative of their King of his constitutional power, and to change the administration of the Government from what it had been from its first establishment to the present period. From that time until the dissolution of the late House of Assembly,

Left Toronto 6th December without affording any explanation to the Committee.

Mr. Duncombe's petition was presented by Joseph Hume, M. P. for Middlesex,

who seems to represent himself as authorized to express the political sentiments of the people of Upper Canada.

Mr. Hume one of the last men they would select for that office.

The people of Upper Canada recollect the language contained in a letter from the same Mr. Hume to a correspondent of his in this country in 1834,

And are most unwilling His Majesty should believe him to be employed by them to represent their views on any subject, to their Most Gracious Sovereign.

Mr. R. Baldwin's correspondence with Lord Glenelg.

Substance of it. Mr. B.'s view of the present state of the Province.

Facts stated in opposition to his assertions.

Re-action in the public mind increased by the reception of Lieutenant-Governor Head, by a majority of the late House of Assembly.

The people became alarmed.

Public meetings held and addresses poured in, calling upon his Excellency to order a new election.

Report to
House of Assembly.

These addresses numerous-
ly signed.
Great unanimity pre-
vailed.

Result of the election.

In contradiction to the
statement of Mr. Bald-
win and Mr. Duncombe.

What is necessary to
insure a continuance of
tranquillity in this
Province.

Upper Canada requires
no further protection
than that afforded by her
laws and constitution,
and the superintending
powers of the Empire of
which she forms a part.

public meetings were held, and addresses from all parts of the country, and from all parties in politics were transmitted to his Excellency, containing assurances of support, denouncing the conduct of his opponents, and calling upon him to order a new election. It is believed that the number of signatures to these addresses amounted very nearly to 30,000; and perhaps at no period did so much unanimity prevail among the loyal people of this Province as in the measures taken to induce the Lieutenant-Governor to dissolve the late House, and to sustain and support him in his endeavours to discharge the arduous and important duties that had been imposed upon him; as some proof of which your Committee are not aware of any single petition having been presented after the prorogation favourable to the political views of the then dominant party. The result of the elections is known; and, from that period to the present, peace and tranquillity have existed throughout the Province, and continue to exist WITHOUT THE SLIGHTEST INTERRUPTION; and it may be truly said, in opposition to the statements of Mr. Baldwin and Mr. Duncombe, that the blessings of contentment and unanimity were never more apparent among any people than now reign throughout this highly-favoured land; and that this condition of things will continue so long as public affairs are conducted by a wise, vigorous, and impartial course of policy, in conformity to the constitution as hitherto understood, and now understood and acted upon, no reasonable man entertains the slightest doubt. His Majesty's subjects in Upper Canada require no other protection than is afforded them by the laws and constitution they now possess, and the superintending power of the great Empire of which they are proud to form a part; and, notwithstanding the forebodings of disappointed and discontented men, fresh evidence is given day by day of the invincible attachment of the people to their King and his Government; and they never permit a doubt to enter their minds of the permanency of their union with the parent State, except when they hear of concessions to those who avow their sympathy with men who take no trouble to disguise their opinion, that, so long as that union exists, CANADA is subject to a "baneful domination."

All which is respectfully submitted.

Committee Room, 23 January 1837.

Allan Napier Macnab,
Chairman.

A P P E N D I X.

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A P P E N D I X.

(1.)

MESSAGE from his Excellency the Lieutenant-Governor, with Copy of
Dr. Charles Duncombe's Petition to the House of Commons.

F. B. Head.

THE Lieutenant-Governor has received from His Majesty's Secretary of State for the Colonies a copy of a petition addressed to the House of Commons, by a member of the House of Assembly of Upper Canada.

Message from
Lieut.-Governor,
15 Nov. 1836.

As the Lieutenant-Governor conceives that the said petition contains allegations which affect the liberty of the inhabitants of this Province, as well as the character and privileges of the House of Assembly, he deems it advisable that the House should immediately be made acquainted with the same, and he therefore transmits a copy for their information.

Government House, 15 November 1836.

(2.)

(Copy.)

To the Honourable the Knights, Citizens and Burgesses of the United Kingdom
of Great Britain and Ireland, in Parliament assembled.

The Petition of Charles Duncombe, of Burford, in the County of Oxford, in the
Province of Upper Canada, Esquire, and Member for that County in the present
House of Assembly for that Province, Petition of
Dr. Duncombe.

Humbly sheweth,

THAT your petitioner has been deputed by the Reformers of that Province to lay before His Majesty's Government and your Honourable House the dangerous crisis at which the affairs of that Province have unhappily arrived, through the unconstitutional violence and outrage practised and sanctioned by Sir F. Head, the present Lieutenant-Governor, and those under his immediate influence and control, at the late elections, for the purpose of obtaining a majority in the House of Assembly.

That in the county of Oxford, where your petitioner was a successful candidate, John B. Askin, Esq., returning officer, in the early part of his election, while the contest was doubtful, refused to take the votes of many Reformers, long resident in the Province, though they had voted at former elections and offered to take the oaths required by the statute, some of whom had taken the oath of allegiance before James Ferguson, Esq., returning officer at the last election, and now the opposing candidate and registrar for the county of Oxford, upon the ground that they had not the certificate with them of their having taken the oath, which had not formerly been required at any of your petitioner's previous elections. They declared their willingness to take the oath of allegiance at the hustings, where it had frequently been administered at former elections, but which was utterly refused on this occasion by Mr. Askin, the returning officer.

That after the election closed in Oxford, your petitioner, who is a freeholder of Middlesex, proceeded on the last day of the election to the polling for that county; on arriving within a mile and a half of the village of London, where the election was held, he met Mr. Moore, one of the successful Reform candidates, escaping from the Orangemen, whom he said had threatened his life, and that he should not be returned, and who were driving with clubs the Reformers from the hustings and beating them wherever they found them. That your petitioner believes such would have been less likely to occur had the election for this county been held at the village of St. Thomas, where it had formerly been held, and where it was firstly appointed by Sir Francis Head to have been held, as it was not the residence of the officers of the Government, who, at London, with Mr. Cronyn, a clergyman of the Church of England, who had been recently inducted into the rectory of that place, were constantly hurraing and cheering on the Orangemen, who were seen running through the streets intoxicated, with clubs, threatening the Reformers with instant death if they shouted "Reform;" and Mr. Moore said that when the voting commenced in the early part of the election, Edward Allan Talbot and John Scatchard, Esquires, magistrates of that place, swore in some twenty special constables to keep the peace.

Appendix to
Report to House
of Assembly.

That Mr. Wilson, the returning officer, forbade the magistrates from interfering with the rioters during the election, and when Mr. Talbot insisted on his right as a magistrate to keep the peace, at any place not immediately about the hustings, the returning officer threatened to commit him to prison.

That of the many complaints the people of Upper Canada have to prefer, the following deserve the immediate attention of your Honourable House:—

That the Lieutenant-Governor, the Attorney-General and Solicitor-General, and in general every public functionary, made common cause with the Tories and Orangemen against the Reformers, using every means in their power to overcome the Reformers and influence the election in favour of the Tory candidates.

That the returning officers were appointed by the Lieutenant-Governor of such persons as were known most likely to forward his views.

That the elections were fixed by the Lieutenant-Governor at places to favour the Tory candidates, and, as in Middlesex, where the place first appointed, and where former elections had been held, were changed because that place first fixed was considered favourable to the Reformers.

That by the general law of Upper Canada no elector can vote upon a freehold, the transfer title of which has been less than three months in his possession, and registered as such.

That Sir Francis Head, in order to overwhelm these legally-registered electors, issued large numbers of patents or grants of lands, under the Great Seal, in many cases for only a quarter of an acre of wild uncultivated land, on which no buildings were erected, such grants being generally dated subsequent to the dissolution of Parliament, and in some cases even after the opening of the poll, at which the holders of such grants actually voted.

That the holders of such grants, as in the case of the Rev. Dr. Phillips, one of the new rectors of the Established Church of England, were called upon at the hustings to swear to the value of such grants being forty shillings; he declined to do so, and could not vote.

That the number of such patents to be prepared was so great as to require an additional number of clerks to get them ready, and your petitioner believes he would be able to prove thousands of such grants of land were issued and voted upon at the election.

That such grants were distributed openly at the places of election, to persons who had not applied at that time for such patents, and who received them to enable them to vote without paying the usual fees. At Simcoe, one of the many instances, Mr. Ritchie, the Government emigration agent, thus issued hundreds of those grants to persons who voted immediately on them.

That heretofore the uniform practice has been not to issue the patents until the purchase-money and fees have been paid, and all the conditions of the Order in Council been complied with.

That bands of Orangemen, supposed to have been organized by their lodges, committed acts of outrage and violence at many of the elections, and the returning officer, as at London, refused to allow the magistrates to interfere to prevent such breaches of the peace.

That at Leeds these bands, generally armed with clubs or knives, drove the reformers and their candidates from the hustings, and at Leeds procured the return of the grand master, Ogle R. Gowan, as member for that county.

That the rioters then proceeded to Grenville, where the Reform candidates were at the head of the poll, pulled down the hustings and destroyed the poll booths.*

That by these and many other unconstitutional acts, encouraged by the Lieutenant-Governor and public functionaries in every part of the Province, the real electors have been overwhelmed, and their franchise rendered of no avail.

Your petitioner therefore humbly begs, that your Honourable House will institute such inquiry into these grievances, and adopt such measures as shall do justice to the people of Upper Canada.

(A true copy.) J. Joseph.

(signed) Charles Duncombe.

(3.)

To his Excellency Sir F. B. Head, K.C.H., &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray that your Excellency will be pleased to lay before this House any communications which your Excellency may have received from His Majesty's Government in reply to its address to the King, of last session, and also any communications relating to certain representations said to have been made by individuals in their public or private capacities, relative to the affairs of this Province.

(signed) Archibald M^cLean, Speaker.

Commons House of Assembly, 14 November 1836.

Address to
Lieut.-Governor,
14 Nov. 1836.

(4.)

Gentlemen,

THE documents requested in your address shall be transmitted to the House of Assembly without delay.

Answer of
Lieut.-Governor,
16 Nov. 1836.

(5.)

F. B. Head.

THE Lieutenant-Governor transmits to the House of Assembly, in compliance with the address of the House of the 14th instant, such extracts from despatches received by him from His Majesty's Secretary of State for the Colonies as have reference to its address to the King, of the last session; and also copies of despatches, and their enclosures, and other communications relating to certain representations made to His Majesty's Government by individuals in their public or private capacities, respecting the affairs of this Province.

Message from
Lieut.-Governor,
transmitting
Documents.

(6.)

EXTRACTS from a DESPATCH from the Right honourable the Lord Glenelg, Secretary of State for the Colonies, dated Downing-street, 20 July 1836.

"THE proceedings which led to the resignation of the Executive Council next demand my attention. In the address of the 4th March from that body to yourself, I understand them to maintain that the Constitutional Act of 1791 imposed on the Governor the duty of communicating with the Council on every act of his administration, and required him on every occasion to abstain from the exercise of his powers until he had first weighed, and had either adopted or rejected their advice. Their address must further be understood as an assertion that the people at large believed such to be the system actually observed by yourself and your predecessors, and in the event of your not being disposed to adhere to it, the members of the Council demanded your permission to disabuse the public mind on this subject.

Extracts from
Despatch from
Lord Glenelg of
20 July 1836.

"From the construction thus given to the Act of 1791, I must altogether dissent; nor do I know that it would be possible to refute it in terms more complete and satisfactory than those employed in your answer of 5th March. I find it moreover very difficult to believe that the people of Upper Canada at large supposed such powers to be habitually and practically exercised by the Executive Council. In so contracted a society as that of Toronto, it is impossible that the public should not have been better informed on a question of such general interest, and respecting which the means of obtaining correct intelligence could not have been really wanting."

* * * * *

"From a consideration of your proceedings regarding the Executive Council, I naturally advance to a still more important subject.

"After reviewing the conduct of the House of Assembly from the time of the resignation of the six members of the Council, to the close of the session, and after considering the language of the House and of its committee, on the topics at issue between you and the councillors, I must own myself at a loss to determine what is the precise principle on which, as to the question of responsibility, the majority of the House were finally prepared to take their stand. The language of the House, indeed, in its addresses and resolutions, would embrace that principle in its utmost latitude. So also in the report of the committee there are some passages which appear to maintain that doctrine in the largest sense in which it has ever been put forward in any of the colonies; namely, that as in this kingdom, the King acts on the advice of responsible ministers, so in the Canadas, the Governor is to act on the advice of a responsible Council. There are again other passages in the report which present the principle in a more modified character, limiting it to the obligation imposed on the Lieutenant-Governor to consult the Executive Council on all public questions, although at the same time admitting his freedom to act in opposition to their advice.

"But, in order to judge of the propriety of your proceedings, it is quite unnecessary to inquire what may have been precisely the views of the House of Assembly. Whatever may have been their meaning, the course of conduct which they adopted, and the position which they assumed, seem to me to have made a rupture with that body unavoidable. Let it be assumed that the principle for which they desired to contend was by them taken in the more moderate of the two senses already stated; and let it be admitted further, which certainly I am by no means prepared to admit, that this principle is calculated to advance the well-being of the Province; still, as no such principle can be recognized either as incorporated in the text or exemplified in the practice of the provincial constitution, the House was surely not entitled to adopt the extreme measure of stopping the supplies on this occasion: much indeed is it to be regretted, that this great constitutional resource was resorted to for the purpose of attempting to enforce charges in the system of Government itself—charges more especially which neither His Majesty's Representative in the Province

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nor his subordinate officers have power to introduce. Under these circumstances, and with the strong conviction which you entertained as to the general dissatisfaction of the inhabitants with the conduct of their representatives, I approve your prorogation and subsequent dissolution of the Assembly.

"The House has ascribed to you a wilful departure from truth on the subject of Mr. Sullivan's contingent accession to the Government of Upper Canada. On this point I have already expressed to you my opinion that your defence is satisfactory and conclusive.

"With respect to the reservation of the Money Bills for the signification of His Majesty's pleasure, and the refusal of the contingencies of the House, although I am of opinion that such measures ought not to be resorted to, except on grounds of the most cogent necessity, I am disposed, with the information which I at present possess, to think, that committed as you were to a great contest, and encountered by an unreasonable employment of weapons, reserved only for extreme emergencies, you were justified in summoning to your aid all the powers which the constitution has in store for such a crisis."

EXTRACT from a DESPATCH of the Right honourable the Lord Glenelg, Secretary of State for the Colonies, to Lieutenant-Governor Sir Francis B. Head, dated Downing-street, 8 September 1836.

Extracts from
Despatch from
Lord Glenelg of
8 Sept. 1836.

"HIS MAJESTY desires me to signify to you the satisfaction with which he learns that the appeal made by you, in His Majesty's name, to His faithful subjects in Upper Canada, has been answered by them in such a manner as fully to justify the dissolution of the late General Assembly. The King is pleased to acknowledge, with marked approbation, the foresight, energy and moral courage, by which your conduct on this occasion has been distinguished.

"It is peculiarly gratifying to me to be the channel of conveying to you this high and honourable testimony of His Majesty's favourable acceptance of your services."

* * * *

"On the day before the prorogation of Parliament, a petition from Mr. Duncombe was presented to the House of Commons, in which that gentleman, claiming for himself the credit due to him as a member of the Assembly of Upper Canada, and pledging his personal honour to the truth of his statements, made various allegations impugning your character and conduct in respect to the recent elections. Your despatch of 16th of July had unfortunately not then reached me, but Sir George Grey, in his place in the House, asserted in the strongest terms his disbelief of those accusations, and his opinion that to prefer them in this country where they could not be subjected to any inquiry, rather than in the Province itself, where their truth might have been immediately investigated, was an act of injustice towards you. He pledged himself, however, that you should receive a copy of the petition for such explanation as you might be able and disposed to offer. In fulfilment of that pledge, a copy of that petition accompanies this despatch.

"I adopt the opinions thus expressed by Sir George Grey. His Majesty's Ministers are convinced that it will be in your power to repel every part of Mr. Duncombe's charges. This was indeed their persuasion before the arrival of your despatch of the 16th July, which, however, although of necessity only general in its terms, is abundantly calculated to set at rest every anxiety on the subject."

EXTRACTS from a DESPATCH of Lieutenant-Governor Sir Francis B. Head, to the Lord Glenelg, His Majesty's Secretary of State for the Colonies, dated Toronto, 16 July 1836.

Extracts from
Despatch from
Lord Glenelg of
16 July 1836.

"In my last despatch, No. 56, dated the 8th instant, I had the honour to inform your Lordship that our elections had added forty constitutional votes to the House of Assembly, which is composed, as your Lordship is aware, of sixty-two members.

"The republican minority of course feel that their cause is desperate, and, as a last dying struggle, they have, I understand, been assembled at Toronto night after night, for the purpose of appealing for assistance to His Majesty's Government! Their conventions are so secret that it is impossible for me to know what passes there, but I have been informed that they have actually despatched Dr. Duncombe (an American and a rank republican), with complaints of some sort respecting the election.

"I feel confident that your Lordship will discountenance this dark, unconstitutional practice of despatching agents from the Province to His Majesty's Government, to make secret complaints against the Lieutenant-Governor, which of course it is impossible for him to repel.

"I will therefore merely assure your Lordship, that in the elections, as well as in the prompt dismissal of a few of the ringleaders of the republicans, I have acted cautiously and conscientiously."

(Truly extracted.) J. Joseph.

(7.)

No. 99.

Sir,

Downing-street, 22 September 1836.

WITH reference to my despatches of the 8th and 12th instant, I have the honour to enclose to you herewith the copy of a letter which I have received from Mr. C. Duncombe, detailing the charges respecting your conduct during the recent elections in Upper Canada, which it was the object of his mission to this country to prefer; I at the same time transmit a copy of the answer which has been returned to him by my direction.

I shall be happy to receive from you, at your early convenience, any explanation which you may think it necessary to offer on the statements contained in Mr. Duncombe's letter.

Despatch from
Lord Glenelg to
Lieut.-Governor,
22 Sept. 1836,
transmitting
Letter from
Dr. Duncombe.

I have, &c.

Lieut.-Governor Sir F. B. Head,
&c. &c. &c.

(signed) *Glenelg.*

(A true copy.) J. Joseph.

(Copy.)

3, Northumberland-court, Charing-cross,
20 September 1836.

My Lord,

I HAVE the honour to acknowledge the receipt of a letter from Sir George Grey, of the 20th ultimo, together with a copy of a letter addressed to Mr. Hume, in answer to a letter from him, requesting that your Lordship would allow me to communicate to you, personally, circumstances connected with the late elections in Upper Canada. I very much desired to communicate to your Lordship, personally, facts connected with the present discontented and unhappy political condition of the people of Upper Canada, which could have been done much more readily and satisfactorily verbally than by letter, and for which special purpose I was deputed to this country; and had your Lordship thought proper to accede to that request, I should then have been able by that opportunity to submit the facts in writing, and have afforded any explanation you might have wished for.

Letter from
Dr. Duncombe
to Lord Glenelg,
20 Sept. 1836.

Mr. Hume has so clearly and forcibly put before your Lordship the object I had in view in coming to this country, and the reasons why I should have the opportunity of seeing your Lordship, that I can add nothing further, than that, under these circumstances, I am compelled to yield to your Lordship's order, and to submit the following detail:—

All the various causes that have led to the present unhappy state of Upper Canada cannot be detailed in writing, without trespassing too long upon your Lordship's valuable time; I shall therefore as briefly as possible refer to some (perhaps not the most prominent) of the causes that have led to the present distracted state of the affairs of that Province.

Upper Canada is purely a British Colony, composed of Canadians by birth, persons from various parts of His Majesty's dominions, and some from foreign countries, most of whom have come to Upper Canada to better their conditions, and on account of their attachment to, and veneration for, the constitution and institutions of Great Britain.

At the division of the Province of Quebec into Upper and Lower Canada by the 31st George III., on Governor Simcoe's assuming the Government of Upper Canada, he assured the House of Assembly in his opening speech that the Act "established the British constitution and all the forms that secure and maintain it in this distant colony;" and in his closing speech from the House he says, "At this juncture I particularly recommend to you to explain that this Province is singularly blest, not with a mutilated constitution, but with a constitution which has stood the test of experience, and is the very image and transcript of that of Great Britain." And this has uniformly been declared to be the constitution of the Province, until the recently-proclaimed opinion of Sir Francis B. Head, that "the constitution which His Britannic Majesty George III. granted to this Province ordained no such absurdities." [See His Excellency's reply to an address from a meeting held in the City-hall.]

The former confidence in the successful workings of the British constitution, if administered according to the genius and habits of the people, have induced them from time to time, for the last fifteen years, through the House of Assembly and otherwise, to petition the Governors of the colony, His Majesty, and the Imperial Parliament, for the redress of evils growing out of irresponsible administrations, and praying for the application of such just and liberal measures as would secure to all His Majesty's subjects in the colony the just administration of the laws, equal rights and privileges, and the free enjoyment of civil and religious liberty; yet these applications have been disregarded by the Executive of the Province, and favourable answers from His Majesty's Government have been so long delayed or so much disregarded by the Executive, when they were received, that the abuses still continue.

These abuses had so increased towards the close of the administration of Sir John Colborne as to be seriously felt, and loudly and openly complained of by the people throughout the Province.

The influence of the House of Assembly in the Legislature was nearly lost, as was evident from the rejection, by the other branches of the Legislature, of most of the popular bills passed by the House of Assembly, although numerous petitions for by the people, and

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frequently passed by large majorities in that and former Houses of Assembly, and supported by members representing very large majorities of the people; while the executive influence in the Government was daily increasing, from the large revenues annually disposed of by them, without the sanction of law, or even being accounted for to Parliament.

Some of these revenues are the casual and territorial revenues, the crown revenue and crown lands revenue, the college lands and funds, the common school lands and funds, all special reserves of lands and the funds arising from them, other unsettled lands as the waste lands of the Province, and the funds arising from them, all of which could be much more beneficially applied to objects of utility and public improvement within the Province by law, than at the pleasure of the Executive.

The liberal support of the Government and pensioners, the sums annually expended for public improvements, canals, lighthouses, harbours, roads and bridges, common schools, district schools and other casual expenses, far exceeded that part of the revenues of the Province at the disposal of the Provincial Legislature.

This was daily involving the country in a debt that must eventually lead to direct taxation, while the natural resources of the country were applied, by an irresponsible Executive Government, to the support of political priests, or the aggrandizement of a party, without the sanction of law. The recall of Sir John Colborne, and the appointment of a new Governor, selected by a Reform Ministry, with avowed intentions to reform the abuses of the colony, was, as Sir Francis Head observes, "glorious news" to the people of Upper Canada; not because the individual was changed, but because the people expected a change of policy, a responsible Executive Council, composed of persons having the confidence of the people, who would administer the Government of the colony with liberality and equal justice to all; and their confidence and gratification were increased by Sir F. B. Head's adding to the Executive Council Messrs. Dunn, Baldwin and Rolph, and resolutions and addresses to Sir F. B. Head were daily presented from all parts of the Province by all political parties, thanking him for calling to his councils gentlemen having the fullest confidence of the people on account of their talents, integrity, ability and extensive knowledge of the affairs of the Province, and the wants and wishes of the people, through whose influence it was strongly anticipated that the Legislative Council would be so remodelled as to be rendered a useful branch of the Legislature; for, as it is at present constituted, it should not be called a branch of the Legislature; it represents no portion of the people of the Province, and is only another instrument of executive power, composed of persons, who, like the Lieutenant-Governor and Executive Council, are appointed by the King, and who are not the choice of the people, and who (if possible) are still more irresponsible than the other branches of the Executive Government, for they do not even *profess* to be responsible even to His Majesty's Government for their conduct.

At this time, after a call of the House of Assembly, 53 out of 55 members present voted that it be "Resolved, That this House considers the appointment of a *responsible* Executive Council, to advise the Lieutenant-Governor or person administering the Government, on the affairs of the Province, to be one of the most happy and wise features of our constitution, and essential to our form of Government, and as being one of the strongest securities for a just and equitable administration of the Government, and full enjoyment of civil and religious rights and privileges."

The adoption, by all political parties of this resolution, in favour of a responsible Executive Council, was received by moderate men as a pledge for the future liberal, just and constitutional Government of the Province; and although the publication by Sir F. B. Head of his additions to the Executive Council gave hopes to the colony, yet, however, the same irresponsible system was pursued, and the public mind held in suspense, until the resignation of the Executive Council, and the subsequent disclosure, by Sir F. B. Head, of his determination to continue the irresponsible system, opened the eyes of the people to his real Tory principles.

Upon the appointment of the present Executive Council, composed of Mr. Sullivan and his associates, the House of Assembly addressed Sir F. B. Head, expressing their want of confidence in his Council, partly on account of the individuals composing it, but more especially on account of the avowed irresponsible Tory system about to be pursued by Sir F. B. Head and his new Council, in the administration of the affairs of the Province; but, notwithstanding that Address, they were retained in office, and the old Tory policy continued.

It is quite correct that, after the avowal of Sir F. B. Head of his politics, many of the members who had previously voted for a responsible Executive Council (among whom were His Majesty's Solicitor and the leading Tory members of the House of Assembly) now voted against the very resolution they had before supported.

Petitions poured in from all parts of the country, praying the House of Assembly not to support the old irresponsible system, but to adopt the only constitutional means in their power of expressing their dissatisfaction of that system, that of withholding the supplies.

The House of Assembly entertained those petitions, but knowing that the influence it had by stopping the supply was merely nominal, as the sum under the control of Parliament and voted annually for supplies was less than 8,000*l.* out of 40,000*l.* or 50,000*l.* annually disposed of by the Executive Government, or permanently appropriated by the 4th William IV., towards the payment of salaries, and that their doing so would not probably attract more notice now than it did when the supplies were not passed by the tenth Parliament, but for the circumstance that Sir F. B. Head, without precedent, refused his warrant for

for

for the payment of contingencies of the Legislature, and withheld the Royal Assent from all the Money Bills (save one) passed by both branches of the Legislature.

And here, my Lord, allow me to remark the great difference in the conduct of Sir F. B. Head and other Governors: Lord Gosford, notwithstanding the supplies were withheld in Lower Canada, not only paid the contingencies of the Lower Canada Legislature to a much larger amount than was required by the House of Assembly for the contingencies of the Legislature of Upper Canada, but he also granted the Royal Assent to all the Money Bills, and all the Bills (save one) passed by the other branches of the Legislature, whilst Sir F. B. Head refused the contingencies and the Royal Assent to the Money Bills.

Sir John Colborne also, when the supplies were withheld in the tenth Parliament, paid the contingencies and granted the Royal Assent to the Bills passed by the other branches of the Legislature.

My Lord, I can scarcely comprehend how His Majesty's Government can consistently approve of the conduct of Lord Gosford in Lower Canada, as they did of Sir John Colborne's conduct in Upper Canada, in pursuing (in this respect) a liberal conciliatory course towards the people of both Provinces, and not disapprove of the high-handed, arbitrary and unconciliatory conduct of Sir F. B. Head, in refusing the contingencies, and withholding the Royal Assent to the Money Bills, dissolving the Parliament, while a great constitutional question referred home by the House of Assembly was pending before His Majesty's Government, without waiting for your Lordship's instructions.

It appears to me, my Lord, quite incredible that your Lordship can approve of Sir F. B. Head's unconstitutionally interfering with the elective franchise, subverting the natural resources of the country from their legitimate objects, the improvements of the country to party electioneering purposes, denouncing a large proportion of the truly loyal people of the Province as "our enemies," and allowing, if not actually encouraging, Orange Associations (notwithstanding the resolutions of the Imperial Parliament and His Majesty's Royal Message thereon) to interfere with the elections throughout the Province, by violence and outrage.

Such conduct, my Lord, has induced the people to discuss the question of a responsible Executive Council, and consequently the first principles of government, under circumstances unfavourable to the present colonial policy, and even to monarchical governments.

The people of Upper Canada have constantly before them, on the one hand, in their immediate vicinity, a republican government highly flourishing, contented, peaceable and prosperous, with forty or fifty millions of dollars of surplus revenue to be expended in works of public improvement and utility, wages high, the industrious classes actively and profitably employed, money plenty, business lively, wild land cheap and easily obtained, improved lands rapidly rising in value, and a respectable wealthy emigration rapidly settling and improving the Western States, while on the other hand they are suffering from the arbitrary and unconstitutional conduct of their Lieutenant-Governor, discontent and excitement prevailing to a great degree, their own agriculture in a depressed state, without commerce and without manufactures, the Province deeply in debt, and no provision made for its final payment, while the wealth of the country is lavished upon political priests and favourites, for purposes unworthy of a free government. They see public improvements entirely suspended; emigration to the Province very much checked; the industrious classes thrown out of employment; the money market unusually depressed, and hundreds anxiously waiting relief from the distribution of public funds, voted by the Legislature, which have been unexpectedly refused by Sir F. B. Head; confidence in public and private securities shaken, the large banks obliged to refuse a discount as usual, and a state of financial embarrassment brought on, seldom, if ever, before witnessed in Upper Canada.

The people have been told by Sir F. B. Head, that they had not a responsible Executive Council, and "that it would be unreasonable to expect that the people of this province should be ruined in vainly attempting to be the exact image and transcript of the British Constitution." But he added, "the constitution which his Britannic Majesty George III. granted to this Province ordained no such absurdities."—[See His Excellency's reply to an address from a public meeting held in the City-hall.]

Sir F. B. Head has publicly denounced the great body of the people in Upper Canada as "our enemies, whom he has repelled," and by his inflammatory harangues, exciting and alarming the people by talking of the Province being about to be disturbed by the interference of foreigners, whose power and whose numbers will "prove invincible," and whom he vauntingly challenges. He adds in his reply to the Home District Address, "In the name of every regiment of militia in Upper Canada, I publicly promulgate, *let them come if they dare*."—[See Reply to an address from Grand Jury.]

And when, my Lord, by all this despotic conduct of Sir F. B. Head, the quiet, peaceable, industrious and enterprising Canadians were leaving the Province by hundreds, at great private sacrifices, in the forced sale of their property and possessions to avoid such oppression, and to seek an asylum under a cheap responsible government in the United States, the people were told by him, that all these evils were occasioned by stopping the supplies, "that the money, which not only would have improved your roads, but would have given profit and employment to thousands of deserving people, is now stagnant."

"The sufferers in the late war have lost the remuneration which was absolutely almost in their hands; emigration has been arrested, and instead of the English yeoman's arriving with his capital in this free British country, mechanics in groups are seen escaping from it in every direction, as if it were a land of pestilence and famine;" and this the people are

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told is the "result" of the "grand object" of "stopping the supplies" of less than 8,000*l.*, not coming in course of payment until July and January following, while in fact he must have known that your Lordship must see that all these evils which he so truly describes were occasioned by his own despotic, arbitrary and unconstitutional conduct, and that of his dependents and Orange associates.—[See Reply to Toronto Electors' Address.]

If Sir F. B. Head conceals from himself that he has been the cause of all these misfortunes to the people of Upper Canada, I hope your Lordship will convince him that you have discovered the real cause to have been what I have stated.

All these violent measures which I have stated, especially the withholding the Royal Assent from the Money Bills, gave very general dissatisfaction throughout the Province, as the improvements intended to be carried on by these grants were in a state of progression, and required the immediate use of the money voted to complete them.

Of the supplies of money refused by Sir F. B. Head, the 50,000*l.* voted for the improvement of the roads and bridges was very much required, and could have been much more profitably expended in the early part of the summer season if he had sanctioned the Bill immediately, than after the lapse of time that would be required for the Royal Sanction.

The sum of 20,000*l.* granted by the Assembly for the relief of the war-loss sufferers, by which the large sum of 67,000*l.* would have been paid to them, and their whole claim settled, which had already been deferred for more than twenty years, yet notwithstanding that the Bill was passed in exact accordance with His Majesty's previous instructions, that Bill was also refused the Royal Assent by Sir F. B. Head.

The Bill for the support of the convicts in the penitentiary; the Bill for the support of the lighthouses; the Bill for the support of common schools, and various other Bills for public improvements, and for the payment of debts due to individuals, were by Sir F. B. Head all refused the Royal Assent, and will be found to have been the real cause why so many of the industrious inhabitants of Upper Canada were flying from their native country as from a pestilence, as stated by Sir F. B. Head; they were in reality flying from the arbitrary acts of Sir F. B. Head.

My Lord, I call your special attention to the charges that, as well after as before the late Parliament was dissolved, and writs issued for the new Parliament, Sir F. B. Head unduly interfered with the freedom of elections, by attempting to bias and overawe the people by denouncing in public addresses the members composing the majority of the late House of Assembly (most of whom were candidates for election) as enemies to the people of the Province.

Your Lordship's attention is also directed to the charges that public money has been most unconstitutionally placed at the disposal of committees or other agents of the Tory candidates to assist them in their elections; that the sum of 5,000*l.* was placed at the disposal of the Tories calling themselves the Constitutional Society, to be expended in aiding the election of the Tory candidates; that another sum was placed in the hands of the Clerk of the House of Assembly, with instructions to go to the eastern district and use that money to the best advantage (no doubt corruptly) for securing the election and return of members who would support the unconstitutional policy of Sir F. B. Head.

It is further alleged that, notwithstanding the terms of Lord Goderich's despatch to Sir John Colborne, every word of which Sir F. B. Head is requested by that of your Lordship of the 5th December last to attend to, in which the Lieutenant-Governor is told that "His Majesty expects and requires of you neither to practise nor allow, on the part of those who are officially subordinate to you, any interference with the rights of any of His Majesty's subjects in the free and unbiassed choice of their representatives."

In direct opposition to all these instructions, my Lord, Sir F. B. Head has not only interfered with the elections himself, but openly allowed and encouraged all persons under him to interfere with and influence the elections by every means in their power, by which extraordinary conduct more than one-third of the newly-elected House of Assembly are sheriffs representing the counties within their executive jurisdiction, and other paid officers holding their situations during the pleasure of the Governor.

I submit, my Lord, that the permitting public paid officers removable at pleasure to seats in the Assembly is contrary to the spirit if not the letter of the British Act, which should apply to Upper Canada as well as to Great Britain, and deserves your immediate attention.

I further state that the rules and regulations ordinarily observed in the land-granting department were wholly disregarded, for the purpose of aiding the partisans of Sir F. B. Head, by issuing patents or grants of land to Tory followers before they had perfected the conditions upon which they were promised such lands, while many persons who had long before complied with the terms of their location, and who had frequently and urgently pressed the public offices, urging their extreme anxiety to receive their patents, have been obliged to wait until after the election.

That many of these patents have been issued, pending or during the election, to persons residing out of the county or riding for very small parcels of land, in many instances for not more than one quarter or half an acre of wild land without a house on it, thus creating a great number of voters, who went from one election to another and voted at each election; so that the real freehold electors resident in the counties or ridings thus intended to be represented, according to the spirit of the election laws of the Province intended to guard against bribery and corruption, have been out-numbered, and their elective franchise thus unconstitutionally tampered with.

The following are some of the many instances of the unconstitutional interference of Sir F. B. Head and his dependents with the elective franchise:—

William Higgins, bailiff to the sheriff, and Court of Requests, Toronto City, voted against the Reform candidate upon a deed signed by Sir F. B. Head, 27th June 1836. George Walton, bailiff and sub-sheriff, after electioneering for the Tory candidate, took the oaths and voted upon about half an acre without buildings upon it, patent dated the Monday previous. John Powell, attorney, and grandson of the late Chief Justice, voted against the Reform candidate upon a quarter acre of land upon which there were no buildings, grant by Sir F. B. Head, 28th June 1836. During the progress of the election Finlay Cameron voted against the Reform candidate, patent issued by Sir F. B. Head during the election, 25th June 1836. John Creighton and Hugh McLellan voted against the Reform candidate under a grant of Sir F. B. Head, patents dated 25th June 1836. Alderman Dr. John King, of the city of Toronto, voted against the Reform candidate in the 2d riding of York, under a grant of Sir F. B. Head of about one quarter of an acre of land without a house, dated during the election 28th June 1836. Robert Renton and James Johnston voted against the Reform candidate upon free grants from the Crown for 100 acres each, patents dated 25th June 1836. Most of the above persons resided out of the 2d riding of York, where they voted.

It is further alleged that many votes were created by giving patents to persons who had commuted their pensions, and who, without having any special claim for land, had been allowed to occupy small parcels under a license of occupation, without power to dispose of it contrary to the original intent of the location. That patents have been issued for parts of lots without a description of the part, where only part of the original purchase-money had been paid, contrary to the original order under which the same was located; that in other instances patents have been issued to individuals for the whole of the lots they have contracted for without the payment of the whole of the money originally demanded, contrary to the uniform practice, which requires that the whole of the money shall be paid before the patent shall be issued. In all these cases the persons thus favoured voted for the Tory candidate, and in no one instance did any of those persons vote for the Reform candidate. These examples serve to show some of the many ways by which votes were created by Sir F. B. Head, to support the Tory candidates and overwhelm the Reformers in different parts of the Province. My Lord, the honest freehold electors who had long resided in the Province were prevented from voting in many of the counties and ridings of the Province, as illustrated in the following instance: Wait Sweet's vote for Mr. M'Kenzie in the 2d riding of York was rejected because he had been born in the United States, although he had been in the Province upwards of half a century, had a good farm, and indisputable freehold, had served in the late war against the United States, had taken the oath of allegiance in 1801, and was willing to take it, and all the electoral oaths required by the statute, but had not the certificate of his having taken the oath of allegiance with him. After being thus rejected, he returned with his certificate of having taken the oath of allegiance, and a certificate of his service in the late war, and yet his vote was rejected by Mr. Hepburn, the returning officer, a commissioner for the sale of Indian lands, removable at the pleasure of Sir F. B. Head, who refused even to enter Mr. M'Kenzie's objections to the rejection of Mr. Wait Sweet's vote upon the poll-book.

I also have to observe that the newly-created rectors of the Church of England were indecently actively electioneering for the Tory candidates, often among the crowd with their hats in their hands, urging on the enemies of Reform. I thought this, my Lord, the very wrong way to secure the affections of the people; and it is to be observed that, generally, the state-paid priests, and most of those persons whose salaries or offices are at the pleasure of Sir F. B. Head, were violent in their opposition to the Reform candidates, either associating themselves with Orangemen previously secretly organized, who with clubs and other instruments were menacing, threatening and beating the quiet and peaceable independent Reform electors, often actually driving them from the polls; or they were among those outrageous partisans of Sir F. B. Head, apparently delighted with the violence of their party, and, it is to be observed, without one effort on their part to check these excesses and breaches of the peace; thus indicating the source from whence this organized system against the freedom of election emanated, and the slight chance a Reformer would have of obtaining legal justice for their injuries or even the loss of the lives of their friends, as their complaints must be made to men bound together by *secret* solemn oaths, or to their violent partisans in their political strifes and violent outrages.

It is also alleged that the Honourable James Crooks, a member of the Legislative Council of Upper Canada, tendered his vote, which was received for the Tory candidates contrary to the practice either in Canada or in England.

It is further alleged that Andrew Shore, charged with felony and committed to take his trial at the next assizes, was admitted to bail without a judge's order, by Messrs. Alderman Gurnett, editor of the *Courier*, the demi-official organ of the Government, and Alderman Denison, both active partisans of Sir F. B. Head, to enable him to vote against the Reform candidate.

These, my Lord, are only a few of the many arbitrary and unconstitutional acts of Sir F. B. Head and his dependents, of which the people of Upper Canada complain, and which the Reformers instructed me to point out to your Lordship personally, and which I should have endeavoured to have done had your Lordship afforded me an opportunity.

I take this opportunity of entering my protest against the course which your Lordship has adopted of refusing to grant me an interview, at which I should have done more justice

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than I now can to the important duty imposed on me by my fellow-countrymen in Upper Canada. I consider the treatment which Mr. Baldwin and myself have met with at your Lordship's hands in being refused an interview, highly unjust and oppressive, as it is well known that no person deputed by the Tory party in Upper Canada was ever refused an interview in which to state their grievances; and if, my Lord, we are to be treated by Lieutenant-Governors as we have been by Sir F. B. Head, and afterwards refused all access to the Colonial Minister of the Crown when we come 4,000 miles to state our grievances, what justice or protection can the people of the colonies obtain against any oppressive and arbitrary act?

I enter this my protest against your Lordship's conduct on behalf of my countrymen who have sent me to England to seek redress.

And I further complain against your Lordship for refusing me an interview on an individual case specially referred to your Lordship's decision by the late Lieutenant-Governor and Council of Upper Canada, although I have three times requested the same.

I shall return to Upper Canada to report the treatment I have received, and what the expectations of my countrymen for justice can be from the Colonial Minister.

I have therefore, my Lord, as the only resource left, in the name and on behalf of the Reformers of Upper Canada, most earnestly and most confidently, yet most humbly and most respectfully, to request that His Majesty's Government will investigate the manner in which the late elections in Upper Canada have been conducted on the part of Sir F. B. Head and his dependents, and all the allegations I have made in this letter, and in the petition presented to the House of Commons by Mr. Hume, on the 19th August last, by impartial and disinterested parties not belonging to the Province, before your Lordship shall decide on such unconstitutional conduct. And I request you to adopt such measures in accordance with the wishes of a large majority of the people of the Province, as shall secure to them the freedom of election, a cheap and responsible Government, the regulation of their own internal affairs, the application by law of all the natural resources of the country to works of general utility and improvement, through a just, wise and liberal construction of the constitution of the Province, thereby promoting the mutual good offices between them and the parent state, inspiring and promoting a confidence in the paternal fostering care and protection of the mother country, and thus increase and confirm the attachment of His Majesty's loyal subjects of Upper Canada to Great Britain, and strengthen and perpetuate the connexion between them that may be made highly beneficial to both the mother country and the colony.

I have, &c.

(A true copy.) J. Joseph.

(signed) C. Duncombe.

(Copy.)

Sir,

Downing-street, 21 September 1836.

J. Stephen, Esq.
to Dr. Duncombe,
21 Sept. 1836.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter to his Lordship of the 20th instant, in which you have preferred various charges against Sir F. B. Head, the Lieutenant-Governor of Upper Canada, in reference to the recent general election of members of the House of Assembly of that Province.

Lord Glenelg directs me to state for your information that he proposes to avail himself of the earliest opportunity for transmitting a copy of that letter to Sir F. B. Head for such explanation as that officer may be able to give respecting the matters laid by you to his charge. In the meantime his Lordship will of course suspend his opinion on the subject. He directs me, however, to state that he cannot receive accusations of such a nature against a public officer of high and unblemished character, without recording his persuasion that they will be found susceptible of a satisfactory answer.

With reference to your protest against Lord Glenelg's decision to carry on his communications with you not in personal interviews, but in writing, his Lordship directs me to observe, that the obligation of acting with strict impartiality towards all persons with whom he is brought into official intercourse would have forbidden him to receive, in mere conversation, charges impugning the honour and reputation of any man, however humble his station in life; nor can his Lordship think that, as a public accuser of the Lieutenant-Governor of Upper Canada, you are justly entitled to complain that you have been required to prefer your charges in that form in which alone they could be expressed with precision, and subjected to the test of an exact inquiry.

With regard to your application for the confirmation of your title to certain lands in the province to which you allude, as connected with the more general political question embraced in your letter of the 20th instant, Lord Glenelg directs me to refer you to my letter of this date, conveying to you his Lordship's decision on that subject.

I have, &c.

C. Duncombe, Esq.

(signed) James Stephen.

(A true copy.) J. Joseph.

Despatch from
Lord Glenelg to
Lieut.-Governor,
12 Sept. 1836,
transmitting
Correspondence.

(Copy.)

(8.)

Sir,

Downing-street, 12 September 1836.

Sir G. Grey, 20th August 1836.

Dr. Duncombe, 23d " "

Ditto 3d Sept. "

Mr. Stephen, 5th " "

Dr. Duncombe, 5th " "

Mr. Stephen, 10th " "

WITH reference to my despatch of the 8th instant, I have the honour to inclose herewith, for your information, a copy of the correspondence which has passed between Dr. Duncombe and this Department, on the subject of the representations relative to the recent elections in Upper Canada, with which he is said to have been charged. I also inclose a copy of a

letter from Mr. Hume to Sir George Grey, introducing Dr. Duncombe, and of Sir George Grey's answer.

In this letter of the 23d ultimo, Dr. Duncombe, as you will perceive, proposed to delay for a few days his communication to me, in order that he might receive some further intelligence on the subject, of which he was in expectation. I have not since received his promised statement, but if it should hereafter reach me, I shall not fail to take the earliest opportunity of furnishing you with a copy of it.

I have, &c.

Lieut.-Gov. Sir F. B. Head,

&c. &c. &c.

(A true copy.)

J. Joseph.

(signed) Glenelg.

Sir,

Downing-street, 20 August 1836.

I HAVE the honour, by the direction of Lord Glenelg, of inclosing for your information the copy of a letter addressed by me to Mr. Hume and in answer to a letter from him, in which he informed Lord Glenelg that you had come to England expressly to state to his Lordship circumstances of importance connected with the recent elections in Upper Canada.

Sir G. Grey to
Dr. Duncombe
20 Aug. 1836.

I am directed by Lord Glenelg to request that, should it be your wish to make any communications to him on this subject, you would do him the favour of addressing it to him in writing; and I am further to request that any such communication may be placed in his Lordship's hands as early as possible, with the view to its being transmitted by the first opportunity to Sir Francis Head, for such explanations as he may feel it his duty to offer.

C. Duncombe, Esq.

(A true copy.)

J. Joseph.

I have, &c.

(signed) Geo. Grey.

Sir,

3, Northumberland-court, Charing-cross,

23 August 1836.

I HAVE the honour to acknowledge the receipt of your favour of 20th instant, conveying to me Lord Glenelg's request that I should communicate in writing any information respecting the affairs of Canada that I might wish to lay before his Lordship.

Dr. Duncombe
to Sir G. Grey,
23 Aug. 1836.

I have deferred making the statement I am desirous of giving his Lordship, on account of my daily expecting the arrival of a greater number of facts, and more positive evidence of those already submitted in my petition. Should these not arrive in three or four days, I shall without further delay do myself the honour of submitting to his Lordship a statement of the facts now in my possession and not contained in the petition.

Sir George Grey, Downing-street.

(A true copy.)

J. Joseph.

I am, &c.

(signed) Charles Duncombe.

Sir,

3, Northumberland-court, Charing-cross,

3 September 1836.

I HAVE the honour to acknowledge the receipt of your favour of the 1st instant, and herewith inclose the papers referred to in my memorial to Lord Glenelg of the 31st ultimo. I am very desirous of seeing his Lordship that I may explain some circumstances connected with this matter that it is quite impossible to communicate by letter. I shall anxiously await his Lordship's pleasure.

Dr. Duncombe to
J. Stephen, Esq.
3 Sept. 1836.

I have, &c.

(signed) Charles Duncombe.

James Stephen, Esq.

(A true copy.)

J. Joseph.

Sir,

Downing-street, 5 September 1836.

I HAVE the honour to acknowledge your note of the 3d instant, expressing your anxiety to see Lord Glenelg, in order to make some communications to his Lordship which you feel yourself precluded from transmitting by letter. In reply I am to inform you, that in consequence of his Lordship's absence from town it has not been in my power to lay your note before him.

J. Stephen, Esq.
to Dr. Duncombe,
5 Sept. 1836.

I have, &c.

(signed) J. Stephen.

(A true copy.)

J. Joseph.

Dr. Duncombe
to Lord Glenelg,
5 Sept. 1836.

Sir,

NOT having received any answer to my note of the 3d instant to Mr. Stephen, expressing my anxious desire to see your Lordship upon my *private* business, I must beg your Lordship's indulgence while I repeat my wish, and give this further explanation of the cause of my urgency; I have a private letter to myself upon this subject, containing some important facts worthy your Lordship's consideration, which, although I might without impropriety show it to your Lordship, yet, should I give it publicity, I have good reason to fear that the violent arbitrary measures of the Executive Government of the colony would be severely visited upon the *author*, who is most devotedly your Lordship's friend, and whom I would not injure to secure the success of my application.

I have, &c.

Lord Glenelg.

(signed) *Charles Duncombe.*

(A true copy.) J. Joseph.

J. Stephen, Esq.
to Dr. Duncombe,
10 Sept. 1836.

Sir,

Downing-street, 10 September 1836.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 5th instant, renewing your application for an interview with his Lordship, and stating, as your reason for so doing, that you are in possession of a private letter to yourself which you are anxious to submit to him, but which you decline to make public from a fear of attracting on the author the displeasure of the Executive Government of Upper Canada. In reply I am desired to state, that Lord Glenelg feels assured that you will at once perceive the impossibility of his receiving any statement inculcating an officer intrusted with the Government of one of His Majesty's colonies, on any terms that should forbid the immediate disclosure of the charge to the party affected by it, nor can his Lordship admit the supposition that any person would be exposed to injury or prejudice on the part of Sir F. Head by the open and respectful statement of any facts connected with the administration of the Government of Upper Canada. For these reasons Lord Glenelg must decline to grant you the private interview which you have solicited, although his Lordship will be prepared to receive and to consider any statement or document which you may transmit to him.

I have, &c.

C. Duncombe, Esq.

(signed) *Jas. Stephen.*

(A true copy.) J. Joseph.

Joseph Hume, Esq.
to Sir G. Grey,
19 Aug. 1836.

My dear Sir,

Bryanstone-square, 19 August 1836.

ALLOW me to introduce the bearer, Dr. Duncombe, Member of the new House of Assembly of Upper Canada, come to England expressly at the request of the Reformers of Upper Canada, to state to Lord Glenelg circumstances connected with the elections in that Province, very important to be made known to the Colonial Office here; and I trust you will give him an opportunity of stating to his Lordship the important details he has been commissioned to make known to His Majesty's Government here.

I shall present a petition to the House of Commons this day at four o'clock against the conduct of Sir Francis Head, and Dr. Duncombe will show you a copy, that you may be acquainted with the facts alleged in that petition.

I remain, &c.

Sir George Grey, Bart., M. P.

(signed) *Joseph Hume.*

(A true copy.) J. Joseph.

Sir G. Grey to
Joseph Hume, Esq.
20 Aug. 1836.

Dear Sir,

Downing-street, 20 August 1836.

WITH reference to your note of the 19th instant, which I have communicated to Lord Glenelg, I am directed to inform you, that a copy of the petition to which you refer, and which has been subsequently presented by you to the House of Commons, will be forwarded by the earliest opportunity to Sir F. Head, in order to enable him to make such observations as he thinks necessary for the vindication of his character from the charges alleged against him in the petition. Lord Glenelg considers that obvious inconvenience, and perhaps injustice, might arise if he were to receive from Dr. Duncombe verbal statements in corroboration of the allegations contained in the petition, the substance of which Lord Glenelg might be unable correctly to transmit to Sir F. Head; but if his Lordship is right in inferring from your note that Dr. Duncombe is anxious to make known to His Majesty's Government some important facts relative to the recent elections in Upper Canada, in addition to those contained in the petition, and tending to impeach the conduct of Sir Francis Head, he requests that those statements may be addressed to him in writing, in order that they may be forwarded to Sir F. Head for his explanation, together with the copy of the petition.

I have, &c.

Joseph Hume, Esq., M. P.

(signed) *Geo. Grey.*

(A true copy.) J. Joseph.

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(9.)

(Copy.)

Mr. Baldwin, 20th June 1836.

Mr. Stephen, 28th " "

Mr. Baldwin, 13th July "

Ditto 16th " "

Ditto 26th " "

Copy transmitted in despatch,
No. 80, of 30th July 1836.

Sir G. Grey, " " "

Mr. Baldwin, 28th " "

Sir G. Grey, 4th Aug. "

Mr. Baldwin, " " "

Sir G. Grey, 12th " "

Mr. Baldwin, " " "

Ditto " " "

Sir G. Grey, 17th " "

Sir,

Downing-street, 20 August 1836.

WITH a view to prevent any misapprehension as to the nature of the communications which, since his arrival in this country, have been addressed to me by Mr. Baldwin, I have the honour to enclose herewith, for your information, copies of all the correspondence which has passed between that gentleman and this Department.

I have, &c.

(signed) *Glenelg.*

Lieut.-Gov. Sir F. B. Head, K.C.H.,
&c. &c. &c.

(A true copy.) J. Joseph.

Despatch from
Lord Glenelg to
Lieut.-Governor,
20 Aug. 1836,
transmitting
Correspondence.

(Copy.)

(10.)

My Lord,

Trinity-court, Charing-cross, 20 June 1836.

ALTHOUGH not the agent for the petition from the House of Assembly of Upper Canada, lately presented to the House of Commons by Mr. Hume, I take the liberty of most respectfully requesting permission to state fully to your Lordship, personally, the particulars of the late political transactions in that Province, so far as I have myself been connected with them, and the principles by which I was governed in adopting the course which I felt it my duty to take on that occasion, and also of laying before your Lordship fully and frankly my view of the present state of the Province with reference to the great question now at issue between the Lieutenant-Governor and the House of Assembly, and respectfully submitting what appears to me to be the only possible means for preserving the connexion with the mother country, which permit me most solemnly to assure your Lordship, I am most sincerely anxious to perpetuate.

I would take the liberty of calling your Lordship's attention to the two following facts already before your Lordship in the documents transmitted from Upper Canada :—First, that it was at the earnest solicitation of the Lieutenant-Governor himself, and after a full and frank explanation of my views and principles, that I was most reluctantly induced to accept a seat in the late Executive Council, and that I was afterwards compelled to resign the place thus pressed upon me by having been called upon by his Excellency to abandon those principles or retire from his confidence; and, secondly, that for joining, together with my colleagues, in a respectful and confidential representation to his Excellency, recommending what his Excellency, previously to soliciting me to take office, knew me to consider absolutely necessary to the success of his Government, I and my late colleagues, most of them servants of the Crown of long standing, have been denounced by his Excellency in his speech from the Throne, as "having officially combined together in an unprecedented endeavour to assume" what his Excellency considers his responsibility.

I feel assured that when your Lordship calls these circumstances to mind, and, above all, considers that "the present," to use the terms of your Lordship's despatch to Sir F. Head, "is an era of more difficulty and importance than any which has hitherto occurred in the history of that part of His Majesty's Dominions," and that it is at least possible that your Lordship may be better able to come to a satisfactory conclusion upon the subject after having it explained by one who was considered by the Lieutenant-Governor himself as capable of being, in some degree, at least, useful to His Majesty's Government in the administration of the affairs of the Province, and who, moreover, was himself in part an actor in the very affairs upon which your Lordship is called upon to decide, your Lordship cannot justly consider as unreasonable the request which I now make for the honour of personally communicating with you on a subject so important to myself personally and to the best interests of my native Province.

I have, &c.

Right hon. Lord Glenelg.

(signed) *Robt Baldwin.*

(A true copy.) J. Joseph.

(Copy.)

Sir,

Downing-street, 28 June 1836.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 20th instant, transmitted to him by Mr. Hume, requesting that his Lordship would afford you an opportunity of stating to him, personally, the particulars of the late political transactions in the Province of Upper Canada, in so far as you have been connected with them. In reply, Lord Glenelg desires to observe, that he is solicitous at all times to receive the fullest information from every quarter relating to the interests of the British Colonies, and, at the present time, more especially relating to Upper Canada, and the events which have recently taken place in that Province. His Lordship, however, while he accepts with thankfulness your offer to make some communications to him on that subject, is yet inclined to think that, under existing circumstances, it would be more advisable that such

James Stephen, Esq.
to Mr. Baldwin,
28 June 1836.

Appendix to
Report to House
of Assembly.

communications should be made in writing than in conversation. He requests, therefore, that you would be so good as to favour him in writing with such intelligence and observations as you may think of importance to bring under the consideration of Government.

I have, &c.

R. Baldwin, Esq.

(signed) Jas. Stephen.

(A true copy.) J. Joseph.

(11.)

(Copy.)

Mr. Baldwin to
Lord Glenelg,
13 July 1836.

My Lord,

4, Trinity-court, Charing-cross, 13 July 1836.

I HAVE to acknowledge the receipt of a letter from Mr. Stephen, in reply to mine of the 20th ultimo, requesting the honour of an interview with your Lordship on the public and private grounds referred to in my former letter.

As your Lordship does not deem it advisable to accede to my request for a personal interview, I will not trespass on your Lordship's time by any further reference to myself, or the injustice of which I, and indeed all my late colleagues, have reason to complain of having received at the hands of the Lieutenant-Governor. More than enough is already before your Lordship to place this in a very strong light. Your Lordship, I feel assured, cannot approve of the conduct of Sir Francis Head, however necessary you may imagine it to be not publicly to condemn it, and I can personally have no desire to pursue the subject. I will only take the liberty of assuring your Lordship, that as it was no desire of place that induced me to accept the seat pressed upon me by Sir Francis Head, nothing but a desire of justifying myself to the Government under which I was born, and to which I am both by duty and affection still most warmly attached, could, as far as I am myself personally concerned, have induced me to trespass on your Lordship by the request. I shall take it for granted, however, that your Lordship will do us the justice to point out any particular in our conduct on the late occasion, which in your estimation may appear culpable, or such as to call for further explanation.

But, my Lord, I am deeply impressed with the responsibility which the present state of Upper Canada necessarily throws upon every man connected with it. As my native country, its prosperity is necessarily to me an object of the most intense anxiety, educated in the warmest attachment to the monarchical form of Government, believing it to be best adapted to secure the happiness of the people, and fully sensible that it can be maintained in Upper Canada only by means of the connexion with the mother country, I have always been most earnestly anxious for the continuation of that connexion I believe to be now endangered. I sincerely believe the crisis to have arrived which is to decide the ultimate destiny of Upper Canada, as a dependency of the British Crown. I feel therefore that it would be criminal in me to refuse compliance with your Lordship's request to communicate with you in writing on the subject of the present state of that Province, and the events which have recently taken place there. At the same time I cannot but feel, that, although there may be some advantages in this mode of communication, where principles are merely to be laid down, they are more than counterbalanced by the disadvantages attendant upon it, or where principles are not only to be laid down but discussed, and the details connected with them, and the political situation of a country in a state of high and dangerous excitement enlarged upon and disposed of.

I shall, however, as clearly as I can, state to your Lordship my view of the present state of the Province with reference to the principle contended for in the recent memorial from the House of Assembly to the Imperial House of Commons, and the value and importance of that principle in producing harmony among the several branches of the Provincial Legislature, and inspiring the people with confidence in the Home and Provincial Governments, and will conclude with most respectfully submitting my opinion as to the course which, with all deference for the opinions of others, it appears to me to be absolutely necessary should be promptly taken for preserving the connexion of that colony with the mother country.

If it is the desire of the mother country, which I, of course, assume it to be, to retain the colony, it can only be done either by force or with the consent of the people of Upper Canada themselves. I take it for granted that Great Britain cannot desire to exercise a Government of the sword, and that she will therefore only govern the Canadas so long as she can do so with the concurrence of the people. For the purpose, therefore, of continuing the connexion upon this footing, it is absolutely necessary, first, that the political machinery of the Provincial Government should be such as shall work harmoniously within itself, without collision between any of its great wheels; and, secondly, that it should be such as that the people may feel that they have an influence upon it sufficiently powerful to secure attention not only to their abstract rights, but to their feelings and prejudices. Without regard to these, you can govern no people satisfactorily or successfully.

That the constitution of Upper Canada, administered upon the principles heretofore applied to it, has failed to accomplish either of these objects, a very cursory view of the history of the colony, without reference to your Lordship's late despatch, will sufficiently demonstrate. It may, however, be well to state, that the differences alluded to are of a much earlier date than appears to be generally known in this country, or until lately to have been recollected even in the Department over which your Lordship presides. As early as in the Provincial Parliament of 1820, an opposition, respectable if not formidable both in talents and numbers, existed, some of the leading members of which not only expressed their

their entire want of confidence in the Provincial Executive, but adopted the principle now contended for as a part of their political creed, and assumed it as necessarily pertaining as much to the provincial constitution as to that of the mother country. During the whole of that Parliament the opposition were generally in a minority. In the Parliament of 1824, and in that of 1828, the Executive were uniformly in an inconsiderable minority. In that of 1830, owing to circumstances to which it is not worth while now to allude, the Executive obtained a majority; but in that of 1834 they were again in a minority; so that, taking the twelve years from 1824 to 1836, the Provincial Executive have been in the minority for eight years and three Parliaments, and have had a majority only for four years and one Parliament. During the whole of this time, also, the House of Assembly were constantly passing Bills which the Legislative Council as uniformly threw out.

As therefore the present constitution administered upon the principles heretofore applied to it, has failed in both particulars, I mean in working smoothly itself or satisfying the people; it necessarily follows that something must be done to accomplish the objects desired; to this end four remedies have been proposed:—First, to make the Legislative Council elective; secondly, to abolish it; thirdly, to concede certain isolated points, which have been earnestly called for by the representatives of the people; and, fourthly, to put the Executive Council permanently upon the footing of a local Provincial Cabinet, holding the same relative position with reference to the Representative of the King and the Provincial Parliament, as that on which the King's Imperial Cabinet stands with respect to the King and the Parliament of the Empire; and applying to such Provincial Cabinet, both with respect to their appointment to and continuation in office, the same principles as those which are acted upon by His Majesty with respect to the Imperial Cabinet in this country.

The two first remedies, if not expedient, I look upon as at least wholly insufficient to accomplish the objects desired. The third is equally insufficient of itself to do so, and the last as the only remedy by the application of which those objects can be attained, and Upper Canada preserved to the mother country.

First, The making the Legislative Council elective I look upon as inexpedient; among other reasons, because I am of opinion that the institutions of every colony ought as nearly as possible to correspond with those of the mother country. The Upper House of the Imperial Parliament not being elective, I would therefore not have the Upper House of the Provincial Parliament elective, unless under the pressure of an absolute necessity. I moreover disapprove of the adoption of such a measure, at all events at present, because it is a general principle inexpedient to make an alteration in the forms of the constitution of any country, until the necessity for such change has been demonstrated, by putting into full and efficient operation the existing constitution in all its details, which cannot be said to have been done with that of Upper Canada, until the Executive Council is practically converted into a Provincial Cabinet for the local and internal affairs of the Province. Had this been done ten or twelve years ago, when the Executive first found themselves in a decided and uniform minority in the Provincial Parliament, I am satisfied that an Elective Legislative Council would not now have been thought of; and I am not without hopes, although they may prove fallacious that it is not yet too late, by the adoption of this principle, to render such change in the constitution unnecessary. But, at all events, as a remedy amounting merely to the application of an English principle to the constitution as it stands, it ought yet to be tried fully and fairly previous to resorting to the more violent measure of a legislative change in the charter. It is but right, however, to inform your Lordship, that although my opinion of the inexpediency of such a change in the organization of the Legislative Council is concurred in by many, I believe a considerable majority of the Reformers of the Province (which every day's delay is increasing) think that such change will ultimately be found necessary. After the intimation contained in your Lordship's despatch, and out of regard to the opinions entertained by us, who in this point differed from them, they were, however, willing to drop the question of an Elective Legislative Council, until the constitution, as it is, should have been fully and fairly tested, by the application of those principles, which have been found so valuable and necessary in the successful working of that of the mother country; and whatever may be the opinion entertained as to the expediency or inexpediency of making the Legislative Council elective, I believe none exists as to such change being found wholly insufficient of itself to accomplish the two objects desired. The making the Legislative Council elective might convert that body into an additional engine of hostility against the Executive Government, but could never supersede the necessity for the concession of the principle contended for. Resistance to the concession of this principle may drive the Reformers into unanimity in the call for an Elective Legislative Council, but it will be only as a means, and not as an end; and when that state of things arrives, be assured England will have lost the last hold upon the *affections* of the great mass of the people of Upper Canada. That such change in the constitution of the Legislative Council would not be found to produce harmony between the three branches of the Provincial Government, will readily be admitted when it is remembered that the collision, which has produced so much evil, has not been merely between the Representative Branch of the Government and the Legislative Council, but between the Representative Branch and the Executive Government. The complaint has always been of the influence of the Executive upon the Legislative Council, and not of the influence of the Legislative Council upon the Executive Government. It were idle, therefore, to expect unanimity while you leave untouched the main source of discord.

Secondly, To the proposal to abolish the Legislative Council, although most of the reasons against making it elective will equally apply, it may in addition be urged, that a

second chamber of some kind has, at least in modern constitutional legislation, been deemed essential to good government. It has not been dispensed with in any of the new constitutions of any of the neighbouring republics, and has, in more instances than one, been not long since adopted as an improvement to the political machinery of government, where the previous constitution had contained no such provision; and, moreover, the abolition of the Legislative Council has not been asked for by any portion of the Canadian people.

As to the third remedy proposed, that of conceding certain isolated points, as they arise and are called for, I will only say, that the whole history, not only of the Canadas, but of the colonies in general, shows that such course, as a means of producing permanent satisfaction and harmony, has wholly failed. Nor indeed does it appear to me to require much consideration to convince any one of the inefficiency of this as a permanent remedy. In the first place, such concessions are never made, and, under the present system, never will be made, until after such a prolonged struggle that, when they come, they are always felt to have been wrung from the Government, and not to have proceeded from a sense of the justice or expediency of granting them. They never remove the distrust which is felt of the Provincial Executive Government. They leave untouched the great evil of the disadvantageous comparison which is constantly before the eyes of the people, when they look at the administration of the Imperial Government by the King, and that of the Provincial Government by his Representative. They see the former always so far consulting the wishes of his people, as never to keep in his councils persons who have not the confidence of their representatives; while in the administration of their own Government, they see the mere Representative of that Sovereign constantly surrounded by those very individuals of whom, sometimes with reason, and perhaps sometimes without, they have become distrustful and jealous; and they very naturally ask the question, Why are not our Representatives to be paid as much attention to by the King's Deputy, as the Representatives of our fellow-subjects in England by the King himself? Astute reasonings may, no doubt, be framed, and fine distinctions drawn upon the subject; but this is a plain common sense and practical view of it, out of which, be assured, it will be impossible ultimately to persuade the yeomanry of Upper Canada. You may, indeed, by strenuously insisting on the inapplicability of this principle to their situation, drive them to insist on a more extended system of elective institutions. By refusing what no one can deny to be an English principle, the same upon which your Lordship and your colleagues were selected to fill the high and important situations which you hold in His Majesty's Councils, the same by which you at this moment continue to retain those places, you may indeed divert their attention to another direction, and drive them to call for the power of electing their own Governor, and their own Executive, but you never can persuade them to abandon the object of obtaining more influence than they now possess through their representatives, in the administration of the Executive Government of the colony.

I now come to the consideration of the fourth remedy, which consists of nothing more than having the Provincial Government, as far as regards the internal affairs of the Province, conducted by the Lieutenant-Governor (as representative of the paramount authority of the mother country), with the advice and assistance of the Executive Council, acting as a Provincial Cabinet, and composed of men possessed of the public confidence, whose opinions and policy would be in harmony with the opinions and policy of the representatives of the people. This, as I have before said, I look upon, not only as an efficient remedy, but as the only efficient one that can be applied to the evils under which the Province is at present suffering.

I shall avoid troubling your Lordship with any observations upon the constitution of the Constitutional Act, because, not only has the subject already been fully entered into in the Report of the Select Committee of the House of Assembly, but I sincerely believe matters to have arrived at that point when it really signifies nothing whether it be or be not *required* by the charter. The only question worth discussing is, whether it is or is not expedient that the principle should be applied to it; and for this purpose, all that is necessary to ascertain, in the first instance, is, that there is nothing in the charter which forbids the application of such a principle. That this is the case, as it has never been denied, and as the principle in its practical application consists, in fact, merely in the ordinary exercise of the Royal Prerogative, will, I take it for granted, be readily admitted. The concession of the principle, therefore, calls for no legislative interference. It involves no sacrifice of any constitutional principle; it involves no sacrifice of any branch of the Royal Prerogative; it involves no diminution of the paramount authority of the mother country; it produces no such embarrassment to the Home Government as in the present state of the Imperial Parliament the attempt to grant an Elective Legislative Council would be almost certain to do. From being an English principle, it would strengthen the attachment of the people to the connexion with the mother country, and would place the Provincial Government at the head of public opinion, instead of occupying its present invidious position of being always in direct opposition to it.

But in addition to these advantages, which this remedy possesses in an eminent degree over all others that have been suggested, it would be found effectual for the purposes desired. Permit me to re-state those objects. They were, first, that the different branches of the Provincial Government should be brought to act in harmony with each other; and, secondly, that the people should feel that they had sufficient influence upon their Government to secure attention to their rights and respect for their feelings and prejudices. I am of opinion that this principle, if fully and fairly acted upon, would effect both those objects. An Executive Council, constituted upon this principle, would, from their situation

as confidential advisers of the Lieutenant-Governor, necessarily have great influence in the House of Assembly. Their weight in the country, as well as their confidential situation about the person of the Lieutenant-Governor, would give them great weight with the Legislative Council, and they would, of course, from both circumstances, possess great weight with the Lieutenant-Governor. They would generally, if not uniformly, be in one or other House of Parliament, and would therefore form a centre of union, and, in fact, act as a sort of balance-wheel to the constitution. The measures which they brought forward, as they would necessarily have the previous sanction of the Lieutenant-Governor, would come recommended, on the one hand, by all the weight of executive influence, and, on the other, by the support of those to whom the people, both from habit and principle, had been accustomed to look with confidence. The people would therefore be predisposed to receive their measures with satisfaction and confidence as the fruit of the advice of their friends, and the Legislative Council, as recommended by the servants of the Crown, whose interests as well as duty it was to recommend nothing but what was safe as well as satisfactory to the public, which it was not deemed wise or prudent to adopt, instead of being suffered to pass heedlessly through the Assembly, and left to be thrown out by the veto of the Lieutenant-Governor, would be met in the first instance and resisted; because every step that such proposal advanced would increase the probability of ultimate embarrassment to the Executive Council and those whose confidence they enjoyed, who would, of course, be always the most powerful party in Parliament. Such an Executive Council would necessarily feel a moral as well as a political responsibility for the success of their measures. Their permanent connexion with the country, as well as a sense of duty and natural desire to retain office, would necessarily insure their utmost exertions, not only to procure harmony, but to produce good government. The people, when they saw that the King's Representative would not retain men in his councils who had forfeited their confidence, would be more careful in the exercise of the elective franchise, and far less likely to withdraw their confidence from those in whom they had once found reason to place it. That the adoption of this principle would, without vesting the election of the Executive Council in the people, place in their hands such an indirect influence upon it as would be sufficient to secure attention to their rights, feelings and prejudices is sufficiently evident; because, if such attention were not paid by those in the confidence of the Lieutenant-Governor, the people would have only to return to the next Parliament men who would not give them parliamentary support, and they would necessarily have to resign, and the Lieutenant-Governor to appoint others who possessed the confidence of the representatives of the people. A., B. and C. would go out of office, and D., E. and F. would come in; the Lieutenant-Governor always retaining the power of calling into action his superintending control with respect to the measures of both the one and the other; and the effect produced upon the interest of the mother country being none other than that the change would give satisfaction, and at least, most probably, insure good government in the management of the internal affairs of the colony.

But it will be said, that even under this system collision may arise. The Lieutenant-Governor may disapprove of the measures recommended by his council, and find it impossible to form an Executive Council which could secure parliamentary support upon any other terms than concession; or the Executive Council may find it impossible to bring the two Houses to an understanding upon every measure. To which I reply, that the practical working of the principle would be sure to postpone such collision to the latest possible period. That the intermediate steps of change of the Executive Council, and of appealing to the people by a dissolution, would, at all events, give the Home Government the great advantage of not itself coming in collision with the people till the last moment, and of ascertaining the exact point when the question of concession would become one merely of expediency. In addition to which I would remark, that this objection is equally applicable to the practical working of the principle in this country, with this great difference, that, supposing the people to be wholly unreasonable in their demands, the Crown has, in point of fact, no means of resistance; whereas there is in the case of a colony, as a last resort, the application of that power, which, independent of the influence which a knowledge of the possession of it would necessarily give to the Representative of the Home Government in the course of the previous contest, will always rest in the hands of the parent state, to be exercised when all other means fail; so that, were the principle a mere experiment, to be now tried for the first time, a colony would be a safer subject for such experiment than the mother country. With respect to collision between the two Houses, such, under the operation of this principle, is surely not more likely to happen in the working of the Upper Canada constitution than in that of the mother country; and the utmost that can be done by the most perfect system is to guard against the probability, not the possibility, of difficulties. Such collision might happen even between two elective bodies; and, in point of fact, does happen, not only occasionally, but every day under the constitution as at present acted upon; and, at the worst, such a case would be open to be disposed of in the same way as a similar one in England, with this difference only, that the appointment of a batch of new Legislative Councillors is not subject to the same difficulty that the creation of new peerages is, as the seats of Legislative Councillors are not hereditary; and, finally, the ultimate resource of making the Legislative Council elective, if indeed it still be found necessary to do so, will be as open to be taken as ever.

It is objected that the concession of this principle is inconsistent with the preservation of the paramount authority of the mother country. With respect to this, I would remark that it does not appear to be more so than the concession of the power of legislation. In

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the one case you vest the power of legislating on the internal affairs of the colony in a Local Parliament, with the consent of the King's Representative; in the other you have the executive power in the hands of the King's Representative, requiring only that it should be exercised with the advice of persons named by himself, but possessed of weight and influence with the people whose local affairs he is deputed to administer.

It is objected, that it would interfere with the patronage of the Lieutenant-Governor. This also appears to me to be an error. The power of appointment to office would remain in the Lieutenant-Governor, as at present. The right of advising is all that is claimed for the Executive Council. If such be considered an interference, it is such as can be exercised, alone, to prevent mischief. But, suppose that it actually deprived the Lieutenant-Governor of every vestige of patronage, the simple question is, is the patronage in the hands of the Lieutenant-Governor the great object for which England desires to retain Upper Canada? If this be indeed the chief or only object, let it be candidly avowed. I will only remark, that the people have been heretofore induced to believe that the Home Government were actuated by other and loftier motives.

It is objected, that it would lessen the responsibility of the Lieutenant-Governor to the Home Government. This is a mistake; every Act of the Provincial Government would be the Act of the Lieutenant-Governor, requiring his full consent quite as much as at present. How would he be less responsible to the King and Parliament of the Empire, because he acted upon the advice of those who had the confidence of the people? The Lieutenant-Governor is the connecting link between the Government of the two countries. You cannot make him responsible to the people of the Province; such would be wholly inconsistent with the respect due to the Sovereign whom he represented, and fatal to the connexion between the two countries. The proper place for his responsibility to rest is in England. But you must give the people such an influence upon their Executive Government as will prevent the constant jealousy to which it is at present exposed. You can do so, only either by permitting a direct influence, by vesting the election of the Executive in the hands of the people, which I look upon as inexpedient and unsafe, or you must give them that indirect influence, which they see constantly exercised by their fellow-subjects through their representatives in this country.

With respect to the objections that the application of this principle would lead to the Executive Council falling into the hands of a few metropolitan families, I would remark that it seems much less likely to have that effect than the present system, and that, if it had, it would be an evil for which the people would have to blame themselves only, and therefore not one which could be attributed to the Home Government, or their representative, the Lieutenant-Governor, and, above all, one the remedy for which would be in their own hands. The same may be said as to the rather inconsistent objections, that it would lead to too many changes, and that there are not persons enough in the Province qualified to fill the office of Executive Councillors.

But it is pretended that the people of Upper Canada are opposed to having this indirect influence upon the Executive in the hands of their representatives. Premising that the real value and importance of the principle itself cannot depend either upon what the people really think upon the subject, or what they may by violence and misrepresentation be persuaded to afford reasons for supposing that they think, I proceed to remark that the proposition appears absurd on the face of it. It is like an attempt to make one believe that a thirsty man has an objection to receive water, or a hungry man food. But what is the fact? As I have already stated, this is no new principle, brought forward for the first time on the present occasion. It has been before the people more or less prominently since 1820. In 1828 or 1829 it was introduced into the address in reply to the speech from the throne, and continued to be so except during the Parliament of 1830, in which the Administration had a majority, and of course when the Executive are in the majority, is not the time for the practical application of the principle. But in 1835 it was made the subject of solemn appeal to the Home Government in an address to the King, passed by a majority of 21 votes, in which His Majesty was informed, that, until the principle was acted upon, it could not be expected that the Administration would give satisfaction, or that there could be any real or permanent harmony between the Government and the representatives of the people. The addresses presented to Sir Francis Head, since the prorogation of the last Parliament, are depended upon as showing that the people are opposed to the concession of this principle. If such really be the opinion of the people, it is, to say the least of it, somewhat remarkable, that no expression of that opinion took place after the close of the session of 1835. Although in the very address to which I have referred, the Assembly intimated their intention of withholding the supplies, if their voice was not heard; that even after the resignation of the late Executive Council, a resolution, declaring it to be the opinion of the House of Assembly, that the appointment of a responsible Executive Council, "to advise the Lieutenant-Governor on the affairs of the Province, was one of the most happy and wise features in the constitution, and essential in our form of Government," was adopted, with but two dissenting voices, out of a house of 55 members, and that it was not until some time afterwards that exertions began to be made to excite even the Tory party against the late Council, and all who thought with them. This is not the first time that a Colonial Lieutenant-Governor has had resort to adulatory addresses, in order to give a colouring to his proceedings in reporting them to the Home Government. The ease with which addresses can be procured is either not known or never considered. The addresses to Sir Peregrine Maitland in 1827 or 1828 were not less violent in their language against the majority of the then Assembly than have been both the addresses and replies on

on the present occasion, and yet the general election which followed left the Executive Government in a minority as small, if not smaller, than in the preceding Parliament.

But should Sir Francis Head, by violence and intimidation, unhappily succeed in procuring a majority in the next Provincial Parliament, do not suppose, my Lord, that there will be less necessity for the application of the principle. New difficulties will daily spring up, and when once the delusion under which the popular mind has been acted upon has passed away, it will return with double pertinacity, not, I fear, merely to the principle now asked for, but to changes of a more extensive and organic character. Time, I am persuaded, will convince your Lordship of this; I tremble lest that conviction should arrive too late to prevent the consequence which I deprecate.

To conclude, my Lord, I most earnestly recommend, not only as expedient but necessary for the preservation of the connexion between this country and Upper Canada, first, that His Majesty's Imperial Government should at once adopt the final determination, that the Provincial Government, as far as respects the internal affairs of the Province, should be conducted by the Lieutenant-Governor, with the advice and assistance of an Executive Council, acting as a Provincial Cabinet, and that the same principle on which His Majesty's Cabinet in this country is composed, should be applied and acted upon in the formation, continuance in office, and removal of such Local Cabinet.

Secondly, that this resolution of the Home Government should be inserted in the shape of a specific clause in the General Royal Instructions for the Government of the Province, and formally communicated to both Houses of the Provincial Parliament; and, thirdly, that Sir Francis B. Head should be recalled, and a successor appointed, who shall have been practically acquainted with the working of the machine; viz. of a free Representative Government.

I have now stated to your Lordship my views and opinions, and I am ready to afford any further explanations that your Lordship may desire. I may of course be mistaken in both, but I assure your Lordship that I am, in my own mind, most firmly persuaded, that, unless the course above recommended be promptly adopted and pursued, it will be wholly out of the power of the mother country to preserve the affections of the Upper Canadian people, although it may, of course, for a time continue to retain them in subjection to her authority.

I have, &c.

Right hon. Lord Glenelg,
&c. &c. &c.

(signed) Robert Baldwin.

(A true copy.) J. Joseph.

(12.)

(Copy.)

4, Trinity-court, Charing-cross,
16 July 1836.

My Lord,

In the letter which I had the honour of addressing to your Lordship on Tuesday last, I frankly explained my own views and opinions; and informed your Lordship of the extent to which I was convinced they were concurred in by the people of Upper Canada; all, however, that was asked in the representation from the late Executive Council to the Lieutenant-Governor was that the Council should be consulted on the affairs of the Province, or the public made aware generally that they were not uniformly consulted upon them. I feel it a duty to call your Lordship's attention to this circumstance, because I cannot state that all my late colleagues concur to the full extent in my views and opinions, and it would be uncandid towards you, and might be unjust to them, to permit your Lordship to suppose that they went further than the representation itself set forth; and your Lordship will perhaps permit me to take this opportunity, the last which will most probably present itself, of doing those gentlemen the justice of stating to your Lordship, that, from all that passed during the short period of my official connexion with them, and for some of them certainly I entertained no political predilections which could have misled my judgment in this particular, I am fully convinced that in making the representation to Sir Francis Head, they were actuated by the most earnest desire to afford their best assistance in preventing embarrassment and insuring to him a prosperous and satisfactory administration of the Government.

I have, &c.

Right hon. Lord Glenelg,
&c. &c. &c.

(signed) Robert Baldwin.

(A true copy.) J. Joseph.

(12.) (1.)

(No. 89.)

(No. 4.)

My Lord,

Toronto, Upper Canada, 6 Nov. 1836.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches, Nos. 75, 76, 77 and 80, in which are enclosed copies of certain letters respecting my conduct, which have been addressed to your Lordship by the following persons: Messrs. Marshall Spring Bidwell, Robert William Baldwin, John Rolph, T. D. Morrison.

I have also the honour to acknowledge the receipt of your Lordship's despatch, No. 95, enclosing a copy of a petition addressed by Mr. Charles Duncombe, a member of the House

Despatch from
Lieut.-Governor
to Lord Glenelg,
6 Nov. 1836,
transmitting sundr.
Communications.

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of Assembly of this Province, to the House of Commons, and presented to the same by Mr. Joseph Hume.

On the receipt of the above-named despatches, Nos. 75, 76 and 77, I immediately communicated to Messrs. Bidwell, Rolph and Morrison, a copy of your Lordship's request, namely, "that I would call on each of these gentlemen respectively, for a copy of his letter to your Lordship, in order that I might be able to supply your Lordship with any observations on it, which I might consider it to require."

The copies of their replies, which I herewith enclose, will explain to your Lordship, that Mr. M. S. Bidwell declines to furnish me with a copy of his letter to your Lordship, urging as his reason, "that it contained a narrative of what had taken place between his Excellency and himself, particularly relative to his Excellency's proposition to appoint him a Judge of the Court of King's Bench," and Mr. Bidwell further adds: "This private letter to the distinguished nobleman, whose name I have mentioned, I do not now choose, especially as I have no longer any connexion with public life, to convert into a public and official communication by transmitting to you a copy of it."

It will no doubt appear strange to His Majesty's Government, that Mr. Bidwell, after transmitting to your Lordship statements concerning my conduct, should, when called upon by your Lordship to avow them, deem it advisable to withhold them from me in this country, on no better grounds than that they merely contained "a narrative of what had taken place between the Lieutenant-Governor and himself." It will no doubt appear equally inexplicable to your Lordship, how Mr. Bidwell could for a moment suppose, that a British Minister would allow him or any person to forward, under the protection of privacy, secret communications respecting the conduct of the Lieutenant-Governor of this Province.

However, as Mr. Bidwell shields himself under this plea of privacy, it only remains for me to observe, that I have it not in my power to offer your Lordship any observations on the subject of his communication.

As regards Mr. John Rolph, whom your Lordship is so good as to inform me has also "commented at considerable length on my conduct," I have to inform your Lordship that, to the letter from my secretary, enclosed herewith, in which I called upon him by your Lordship's desire for a copy of his letter, Mr. Rolph replied by merely acknowledging its receipt, but that, after an interval of five weeks, being again pressed by my secretary for a specific answer, he replied as follows:—

(Copy.)

Sir,

Toronto, 5 November 1836.

I HAVE the honour to acknowledge your letter of the 21st of October, recalling my attention to the subject of your letter of the 28th September.

The sickness in my family has abated, and I hope shortly to be able to furnish the Lieutenant-Governor with a copy of my letter to Lord Glenelg.

I have, &c.

To J. Joseph, Esq., &c.

(signed) J. Rolph.

As regards Mr. John Rolph's comments on my conduct, I have therefore also to state, that not having obtained from him the information I required, it is out of my power to offer to your Lordship any reply to his allegations.

Mr. T. D. Morrison, in his letter to your Lordship, dated 29th April 1836, imputes to me a "misquotation from the report of the committee of 1835, on Public Grievances, in my speech at the close of the late session." To this accusation I consider it unnecessary to reply, as it merely amounts to this, that in my speech from the Throne, I quoted, as from the grievance report, a sentence which actually belonged to its appendix.

With respect to Mr. Robert Baldwin's communication, dated 26th July 1836, in which he encloses to your Lordship a Toronto newspaper—informs your Lordship of the contents of private letters he has received, and transmits to your Lordship a list of certain tunes which he has been informed have been played at public dinners in Upper Canada—I have no observations to make on such subjects, except that I believe that Mr. M. S. Bidwell, Mr. John Rolph, Mr. Robert Baldwin and Mr. Charles Duncombe would be the very first to complain, were I to undertake to curb in this Province the freedom of the press, or to stifle the tunes of which Mr. Robert Baldwin has so gravely complained.

With respect to my expression, "Let them come if they dare!" your Lordship has only to read Mr. Papineau's letter to perceive, that it was most clearly levelled at the invitation which the Speaker of the House of Assembly of Lower Canada made to this Province, as well as to the other British North American colonies, to unite for an object that could not be misunderstood.

The Americans had no more to do with the subject than the Chinese, and of this fact every inhabitant of the Canadas might be sensible; but my defiance was more than was to be expected, and it was therefore deemed much safer to misinterpret it than to meet it. It certainly appears to me not very creditable to those whose accusations I have just replied to, that, after having so loudly and repeatedly complained of the "humiliating and mortifying" inconvenience of seeking for justice 4,000 miles off, they should centrifugally write and hurry across the Atlantic to complain of the honest verdict which has been deliberately pronounced against them, not by me, but by the inhabitants of their own Province.

If

If your Lordship, however, will be good enough to continue invariably to require these persons to furnish me with a copy of the accusations they secretly write against me, this un-British practice will very shortly be discontinued.

I have, &c.

(signed) *F. B. Head.*

P. S.—It is my intention to forward a copy of Mr. Charles Duncombe's petition to the House of Commons to the House of Assembly, as I conceive that tribunal to be the proper one for investigating the allegations it contains.

(A true copy.) *J. Joseph.*

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Sir,

Government House, 28th Sept. 1836.

I HAVE the honour, in obedience to the commands of the Lieutenant-Governor, to transmit to you a copy of a despatch, which he yesterday received from the Secretary of State, dated the 25th of July last; and, in accordance with the directions of Lord Glenelg, his Excellency desires me to apply to you for a copy of the letter referred to in his Lordship's despatch.

*J. Joseph, Esq. to
M. S. Bidwell, Esq.,
28 Sept. 1836,
enclosing Lord
Glenelg's Despatch
of 25 July 1836.*

I have, &c.

(signed) *J. Joseph.*

Marshall S. Bidwell, Esq., &c.

(A true copy.) *J. Joseph.*

(No. 75.)

(Copy.)

Sir,

Downing-street, 25 July 1836.

I HAVE the honour to inform you that I have received from Mr. Bidwell a letter dated the 25th of April last, containing some observations on your administration of the Government of Upper Canada, and more particularly referring to communications which he states to have passed between you and himself.

You are aware that the rules, which, upon public grounds, have been established in regard to correspondence with this Department, preclude me from receiving any communications from the Colonies, involving matters of provincial interest, except through the Governor of the colony in which the writer may be settled. It is unnecessary to say that, in the present instance, I cannot depart from that rule, still less can I entertain statements inculcating the Governor of a colony, unless that officer shall have had the most ample opportunity of answering them. I have therefore not felt myself at liberty to take Mr. Bidwell's letter into consideration, until you shall have had an opportunity of offering in regard to it any remarks which you may consider necessary. For this purpose I request that you will apply to Mr. Bidwell for a copy of that letter.

In addressing to you my acknowledgment of Mr. Bidwell's letter, that gentleman will understand that I mean no personal discourtesy towards him, but that I act according to a rule which has been invariably applied to all similar cases.

You will communicate a copy of this despatch to Mr. Bidwell.

I have, &c.

(signed) *Glenelg.*

(A true copy.) *J. Joseph.*

Sir,

Government House, 21st October 1836.

I AM directed by the Lieutenant-Governor to recall your attention to the application made in the letter I had the honour, by his Excellency's commands, to address to you on the 28th ultimo, in pursuance of the directions contained in a despatch from the Secretary of State dated 25th July, a copy of which was transmitted for your information.

*J. Joseph, Esq.
M. S. Bidwell, Esq.,
21 Oct. 1836.*

I have, &c.

(signed) *J. Joseph.*

Marshall S. Bidwell, Esq., &c.

(A true copy.) *J. Joseph.*

Sir,

Toronto, 24th October 1836.

I HAVE the honour to transmit to you a letter which I wrote while I was on a recent journey in the United States, but which I did not send, as I found I should be able to return as soon as the letter could come by the mail. My constant attendance in court, since my return, has alone prevented its being sooner transmitted to you.

*M. S. Bidwell, Esq.
to J. Joseph, Esq.,
24 Oct. 1836.*

I have, &c.

(signed) *Marshall S. Bidwell.*

John Joseph, Esq., Private Secretary.

(A true copy.) *J. Joseph.*

M. S. Bidwell, Esq.
to J. Joseph, Esq.,
6 Oct. 1836.

Sir,

Hartford, 6th October 1836.

YOUR letter, together with a copy of a despatch from Lord Glenelg to his Excellency Sir Francis Bond Head, was left at my house, during my absence on the circuit; and not received by me until my return last Friday. Being obliged to leave immediately on a journey to the United States, I have not been able to reply to it until this time.

I have now only time to say, that I have preferred no complaints to His Majesty's Government against his Excellency's administration, nor invoked his interference in my own behalf, or in the affairs of the Province. The letter addressed by me to Lord Glenelg mentioned in his Lordship's despatch, contained a narrative of what had taken place between his Excellency and myself, particularly relative to his proposition to appoint me a Judge of the Court of King's Bench. It was a private letter intended to protect myself in the estimation and good opinion, not of the Government, but of his Lordship personally, against any representations from this Province relative to me that might require explanation. I had a particular desire that Lord Glenelg's own mind should not be affected by any such representations, but I had no wish or intention to appeal to the Government, and no anxiety about its views. This private letter to the distinguished nobleman whose name I have mentioned, I do not now choose, especially as I have no longer any connexion with public life, to convert into a public official communication by transmitting to you a copy of it, although I have felt at liberty, after his Lordship's allusion to it, to explain frankly the general nature and object of it.

It is my intention to transmit to Lord Glenelg a copy of this note.

I have, &c.

(A true copy.) J. Joseph.

(signed) Marshall S. Bidwell.

(Copy.)

Sir,

Government House, 28th September 1836.

J. Joseph, Esq. to
J. Rolph, Esq.,
transmitting Lord
Glenelg's Despatch
of 25 July 1836.

I HAVE the honour, in obedience to the commands of the Lieutenant-Governor, to transmit to you a copy of a despatch which he yesterday received from the Secretary of State, dated the 25th July last; and, in accordance with the directions of Lord Glenelg, his Excellency desires me to apply to you for a copy of the letter referred to in his Lordship's despatch.

I have, &c.

John Rolph, Esq., Toronto.

(signed) J. Joseph.

(A true copy.) J. Joseph.

(No. 76.)

(Copy.)

Sir,

Downing-street, 25th July 1836.

I HAVE the honour to inform you that I have received from Mr. Rolph a letter, containing a statement of the circumstances which led to the resignation of the late Executive Council of Upper Canada, and commenting at considerable length on your conduct, and on that of other parties concerned in that transaction. You are aware that the rules, which, upon public grounds, have been established in regard to correspondence with this Department, preclude me from receiving any communications from the Colonies, involving matters of provincial interest, except through the Governor of the colony in which the writer may be settled.

It is unnecessary to say that, in the present instance, I cannot depart from that rule, still less can I entertain statements inculcating the Governor of a colony, unless that officer shall have the most ample opportunity of answering them. I have therefore to request that you will apply to Dr. Rolph for a copy of his letter to me of the 27th April, in order that you may furnish me with any remarks which may appear to you to be called for by the statements contained in it.

In addressing to you my acknowledgment of Mr. Rolph's letter, that gentleman will understand that I mean no personal discourtesy towards him, but that I act according to a rule which has been invariably applied to all similar cases.

You will communicate this despatch to Mr. Rolph.

I have, &c.

Lieutenant-Governor Sir Francis Bond Head,

(signed) Glenelg.

&c. &c. &c.

(A true copy.) J. Joseph.

(Copy.)

Sir,

Toronto, 25th September 1836.

J. Rolph, Esq. to
J. Joseph, Esq.,
25 Sept. 1836.

I HAVE the honour to acknowledge your letter of this day, with a copy of a despatch from the Right honourable Lord Glenelg, Secretary of State, dated the 25th July last.

I have, &c.

John Joseph, &c.,

(signed) J. Rolph.

Government Office.

(A true copy.) J. Joseph.

(Copy.)

(Copy.)

Sir,

Government House, 21st October 1836.

J. Joseph, Esq. to
J. Rolph, Esq.,
21 Oct. 1836.

I AM directed by the Lieutenant-Governor to recall your attention to the application made in the letter I had the honour, by his Excellency's commands, to address to you on the 28th ultimo, in pursuance of the directions contained in a despatch from the Secretary of State, dated the 25th July, a copy of which was transmitted for your information.

I have, &c.

John Rolph, Esq., Toronto.

(signed) J. Joseph.

(A true copy.) J. Joseph.

(Copy.)

Sir,

Toronto, 5th November 1836.

J. Rolph, Esq. to
J. Joseph, Esq.,
5 Nov. 1836.

I HAVE the honour to acknowledge your letter of the 21st October, recalling my attention to the subject of your letter of the 28th of September.

The sickness in my family has abated, and I hope shortly to be able to furnish the Lieutenant-Governor with a copy of my letter to Lord Glenelg.

John Joseph, Esq., &c.,
Government House.

I have, &c.

(signed) John Rolph.

Note.—Up to this date, the 21st November 1836, no further communication has been received from Mr. Rolph.

(Copy.)

Sir,

Government House, 28th September 1836.

J. Joseph, Esq. to
T. D. Morrison,
Esq., 28 Sept. 1836,
transmitting Lord
Glenelg's Despatch
of 25 July 1836.

I HAVE the honour, in obedience to the commands of the Lieutenant-Governor, to transmit to you a copy of a despatch which he yesterday received from the Secretary of State, dated the 25th July last; and, in accordance with the directions of Lord Glenelg, his Excellency desires me to apply to you for a copy of the letter referred to in his Lordship's despatch.

I have, &c.

T. D. Morrison, Esq., Toronto.

(signed) J. Joseph.

(A true copy.) J. Joseph.

(No. 77.)

(Copy.)

Sir,

Downing-street, 25th July 1836.

I HAVE the honour to inform you that I have received from Mr. T. D. Morrison a letter, dated Toronto, 29th April 1836, imputing to you a misquotation from the report of the committee of 1835 on Public Grievances, in your speech at the close of the late session of the Provincial Legislature. I have to request, according to the usual course in the case of such representations being addressed to me, that you will call on Mr. Morrison for a copy of his letter to me, in order that you may be able to supply me with any observations on it which you may consider to be required.

In addressing to you my acknowledgment of Mr. Morrison's letter, that gentleman will understand that I mean no personal discourtesy towards him, but that I act according to a rule which has been invariably applied to all similar cases.

You will communicate this despatch to Mr. Morrison.

I have, &c.

Lieutenant-Governor Sir Francis Bond Head, К. С. Н.

(signed) Glenelg.

(A true copy.) J. Joseph.

(Copy.)

Sir,

Toronto, Upper Canada, 5th October 1836.

T. D. Morrison,
Esq. to J. Joseph,
Esq., 5 Oct. 1836,
transmitting Letter
to Lord Glenelg.

I HAVE the honour to inclose to you, for his Excellency the Lieutenant-Governor, a copy of my letter to the Right honourable Lord Glenelg, as requested by you in your letter of the 28th September.

I have, &c.

John Joseph, Esq., Secretary, &c.

(signed) T. D. Morrison.

(A true copy.) J. Joseph.

(Copy.)

My Lord,

Toronto, Upper Canada, 29th April 1836.

I PRESUME Sir Francis Head will transmit to your Lordship his speech delivered from the Throne in this Province at the close of the late session of our Legislature; and as it contains matter both calculated and intended to misrepresent the conduct of the House of Assembly in a proceeding to which my name is attached, and in which my consistency is implicated,

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implicated, I trust your Lordship, being at the head of Colonial affairs, will excuse my liberty in addressing you upon the subject. In this speech of Sir Francis Head is the following passage: "It appears," say the Grievance Committee, "that it is the duty of the Lieutenant-Governor to take the opinion of the Executive Council only in such cases as he shall be required to do so by the instructions from the Imperial Government, and in such other cases as he may think fit." "It appears by the following transactions that the Lieutenant-Governors only communicated to the Council so much of the private despatches they receive from the Colonial Office as they may think fit, unless in cases where they are otherwise specially instructed."

Now, my Lord, as a member of the committee, sneeringly called by Sir F. Head the "Grievance Committee," and having subscribed the report made by that committee, I declare that there is no such passage in it. After hunting through the greater part of the volume, I found it in the appendix, page 303, in the documentary evidence headed No. 92 [A.] "Statements copied by W. L. Mackenzie, Esq. from the records of the Executive Council in the Colonial Office."

While Sir Francis Head was thus quoting from the appendix the above passage for the discreditable purpose of fixing upon the House of Assembly and its select committee the charge of inconsistency, he had before him a very different passage in the report itself, page 41, expressing the views of the select committee, which passage I shall not quote at length, because your Lordship is in possession of the report. Your Lordship will perceive that the Select Committee on Grievances whose report was last session adopted by the Assembly, were guilty of no inconsistency in their more recent conduct upon the question respecting the constitutional duties of the Executive Council.

I hope your Lordship will therefore imbibe no prejudice against us, as intended, upon that ground; and in this Province, where the facts of the case are familiarly known, the attempt will meet with the public contempt it deserves in honourable society.

The Right honourable the Lord Glenelg,
&c. &c. &c.

I have, &c.
(signed) T. D. Morrison.

(A true copy.) J. Joseph.

(13.)

(Copy.) No. 80.

Sir,

Downing-street, 30 July 1836.

Despatch from
Lord Glenelg to
Lieut.-Governor,
30 July 1836.

I HAVE the honour to transmit to you herewith the copy of a letter which has been addressed to me by Mr. R. Baldwin, relative to certain recent proceedings in Upper Canada; and I am to request that you will favour me with any observations on the subjects noticed Mr. Baldwin, which may appear to you necessary for my information.

I have, &c.

Sir F. B. Head, K. C. H.
&c. &c. &c.

(signed) Glenelg.

(A true copy.) J. Joseph.

(Copy.)

My Lord,

4, Trinity-court, Charing-cross,
26 July 1836.

R. Baldwin, Esq.
to Lord Glenelg,
26 July 1836.

I TAKE the liberty of enclosing to your Lordship a Toronto newspaper of the 22d ultimo, and of drawing your Lordship's attention to the Resolutions of the Constitutional Reform Society, on the subject of the appointments of places for holding the elections, as well as the appointment of Mr. Kerr as one of the returning officers. It is for your Lordship to judge whether the course adopted by Sir Francis Head, in these particulars, is that which would have been pursued had it been really his desire to obtain the calm and deliberate opinion of the country.

I also beg to refer your Lordship to the reply of Sir Francis Head to the Address presented to him on the subject of the foreign interference to which he had alluded in one of his preceding replies. I learn, by my private letters, that in consequence of his Excellency refusing all satisfaction as to whence he had derived his information on the subject, a letter was addressed to the authorities of the neighbouring State of New York, and I subjoin an extract which has been sent me from the answer of the Secretary of State of that republic, which will show your Lordship the light in which strangers view the conduct of the Lieutenant-Governor in spreading an alarm on the subject of foreign intervention.

I have also taken the liberty of marking, for your Lordship's consideration, the account of the tunes, which, as a sort of practical commentary on the reply of the Lieutenant-Governor to the House of Assembly last winter on the subject of Orange Societies, are in requisition at the public dinners of his Excellency's partisans.

In one of the letters which I have received from Toronto, my correspondent writes, that he dreads that the consequence of the conduct of the Government will be the agitation of independence, or at least Elective Governors as well as Council. In another, the writer says, he cannot venture to tell me all that he hears of the unworthy contrivances of the Tory party to anticipate votes; that it is still muttered amongst them the use of location tickets;

tickets; and he fears they will dare to do so; if so, that it will hasten more rapidly the conviction of the people that they must separate from England. He remarks, that the use of location tickets at once nullifies the freeholders throughout the Province, and the men returned to the Assembly must be the representatives of the tenants-at-will of the Crown and not of the freeholders of the Province; and adds, "You know the people will not long bear this."

These are the observations of gentlemen whom I know to be warmly attached to the preservation of the connexion between the two countries and to monarchical institutions. It is true they write from a seat of much violence and excitement; but making every possible allowance on that ground, when such conclusions are forced upon the minds of such men there can be but little doubt there is much to alarm even the most indifferent.

I make these statements to your Lordship, because I foresee that if Sir Francis Head is continued in the Government of Upper Canada, and the same fatal system pursued in the administration of its affairs, separation from the mother country is inevitable; and I am most desirous that when that event takes place, I at least may feel fully acquitted of having omitted any thing which might, by placing before your Lordship the real state of the country, have led to a more happy result.

The Lord Glenelg,
&c. &c. &c.

(A true copy.) J. Joseph.

I have, &c.

(signed) Robert Baldwin.

COPY of the EXTRACT referred to in the foregoing Letter.

"THE answer of your Lieutenant-Governor, dated the 28th ultimo, to the Address of the Electors of the Home District, was received here and in Albany with equal surprise and regret. The State of New York is not directly referred to, but our local position in relation to Upper Canada is such that we are almost constrained to believe that our own citizens are intended by the designation of 'foreigners' whose interference is deprecated.

"I gave a copy of the Address to Governor Marcy, and he would not hesitate to notice it officially, if, under the circumstances, he could do so with propriety; but he does not perceive that he can. I am, however, authorized by him to say, that he does believe not a single citizen of this State entertains the design of interfering in any manner with the political affairs of Canada, nor has he ever heard such a design imputed to any individual. If your Lieutenant-Governor had thought proper to communicate to the Executive of this State the grounds on which the intimation referred to was thrown out, a course which certainly seems due to the friendly understanding subsisting between us, it is believed that all cause for suspicion would have been removed so far as the citizens of this State are concerned. As it is, we cannot but think that great injustice has been done to us, by ascribing to any of our citizens criminal designs of which they are innocent, and to the people of Canada, by exciting distrust and alarm for which there is no shadow of foundation. You may rest assured that the universal desire of the people of this State and of our sister States, is to maintain unimpaired the relations of friendship which happily exist between the United States and Great Britain; and that the authority of the State and of the Union would be promptly interposed to put down any attempt, on the part of those subject to their respective jurisdictions, to interfere with the political concerns of Canada, or of any of the British dominions. It is no more than just to the citizens of the United States to add, that a recent instance of magnanimity on the part of Great Britain has strengthened the desire to which I have referred; and I am sure that the moral sense of a whole community would revolt at the idea of repaying that act of friendship with bad faith, which your Lieutenant-Governor, as we suppose, intended to attribute to some of us."

(A true copy.) J. Joseph.

(14.)

(Copy.)

Sir,

Downing-street, 30 July 1836.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 26th instant, relative to certain recent proceedings in the Province of Upper Canada, and in reply I am to inform you, that a copy of your communication will be transmitted to Sir Francis Head for such observations as he may have it in his power to offer on the subject referred to by you.

Robert Baldwin, Esq.

I have, &c.

(signed) George Grey.

(A true copy.) J. Joseph.

(15.)

(Copy.)

My Lord,

4, Trinity-court, Charing-cross,
28 July 1836.

CONSIDERING the present state of Upper Canada, and the deep interest which I necessarily have in the fate of that Province, your Lordship will not, I trust, consider as an intrusion

R. Baldwin, Esq.
to Lord Glenelg,
28 July 1836.

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sion a request to know whether His Majesty's Government have come to any decision on the point suggested by means of preliminary importance in my letter to Mr. Hume of the 14th ult., and which that gentleman immediately transmitted to the Colonial Office.

His Majesty's decision on the Bills for the Improvement of the Roads, Light-houses, and the final settlement of the War Loss question, upon the terms proposed by the Home Government itself, would seem to require no very protracted consideration. Their importance is unquestioned.

If, therefore, His Majesty's Government have come to a decision on these points, and your Lordship feels at liberty to communicate it, I shall feel obliged by being informed of the result.

I have, &c.

(signed) *Robert Baldwin.*

Right honourable Lord Glenelg.

(A true copy.) J. Joseph.

(Copy.)

Sir,

Downing-street, 4 August 1836.

Sir G. Grey to
R. Baldwin, Esq.,
4 Aug. 1836.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 28th ult., and to return to you the following answer thereto:—

His Lordship is not insensible to the deep interest which you must unavoidably take in whatever relates to the administration of the Government of Upper Canada, and is anxious to manifest towards you personally the respect and courtesy which are due to you; but, as you are invested with no public or official character, his Lordship cannot, without departing from a settled and necessary rule of official correspondence, enter into any explanation with you as to the course of proceeding which it may be the intention of His Majesty's Government to pursue in reference to the conduct of the affairs of that Province. Lord Glenelg must therefore refer you to his published despatch to Sir Francis Head, as explanatory of the general principles to which His Majesty's Government are pledged, and to which it is their fixed purpose to adhere in their administration of the Government of Upper Canada.

I have, &c.

(signed) *George Grey.*

Robert Baldwin, Esq.

(A true copy.) J. Joseph.

(16.)

(Copy.)

My Lord,

4, Trinity-court, Charing-cross,
4 August 1836.

R. Baldwin, Esq.
to Lord Glenelg,
4 Aug. 1836.

I TAKE the liberty of inclosing to your Lordship the printed copy of an address from the Reform Alliance Society, of the 14th May last, which, as expressing the sentiments of an influential body, and explaining their views in answer to the speech made by Sir Francis Head in proroguing Parliament, I deemed it proper to submit for your Lordship's information.

I have, &c.

(signed) *Robert Baldwin.*

Right honourable Lord Glenelg.

(A true copy.) J. Joseph.

(Copy.)

Sir,

Downing-street, 12 August 1836.

Sir G. Grey to
R. Baldwin, Esq.,
12 Aug. 1836.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 4th instant, enclosing the printed copy of an address from the "Reform Alliance Society" of Upper Canada.

I have, &c.

(signed) *Geo. Grey.*

R. Baldwin, Esq.

(A true copy.) J. Joseph.

(17.)

(Copy.)

My Lord,

4, Trinity-court, Charing-cross,
12 August 1836.

R. Baldwin, Esq.
to Lord Glenelg,
12 Aug. 1836,
with Enclosures.

I HAVE been requested by the editor of the Correspondent and Advocate newspaper of Toronto, to submit the enclosed deposition to your Lordship.

I subjoin an extract from Mr. O'Grady's letter, in which his motives are explained.

Your Lordship will be kind enough to consider this as proceeding wholly from that gentleman; as far as I am myself concerned, I have already, in my interview with Lord John Russell, taken the only kind of notice that I shall condescend to do of the rumours referred to.

I have, &c.

(signed) *Robert Baldwin.*

Right honourable Lord Glenelg.

(A true copy.) J. Joseph.

EXTRACT referred to in the foregoing Letter.

"It having been currently reported here since your departure for England, that his Excellency, Sir F. B. Head, has represented to the Colonial Office, that Mr. Rolph and yourself are the authors of the rejoinder to his Excellency's answer to the address of the inhabitants of this city, lately presented to him, I deem it a duty I owe to you to enclose the attestation of J. H. Price, Esquire, before his worship the Mayor, and certified by his Excellency, from which it will appear, what little credit should be given to such a representation. For the sake of truth and justice, I have to request you will submit it to the consideration of His Majesty's Secretary of State for the Colonies. That document (the rejoinder) having appeared in the Correspondent and Advocate newspaper, it becomes more particularly my duty to correct any misrepresentation that might have been put into circulation regarding its authorship, to the prejudice of others.

"It has also been stated in the demi-official press of this city (the Toronto Courier) that certain members of the late Executive Council, including Messrs. Markland, Dunn and yourself, together with Mr. W. W. Baldwin and Dr. O'Grady were in the habit of holding midnight cabals, to embarrass the Local Government!! This you know is an unqualified falsehood. I have no knowledge of any such cabals, and you will admit that my acquaintance with you for some four or five years past could not warrant such an intimacy between you and me. We have scarcely exchanged the ordinary courtesies of life, and still we are falsely accused of caballing together to upset Sir F. B. Head's Government."

(A true copy.) J. Joseph.

"I do hereby certify and attest that I was present in Dr. O'Grady's house on the 27th day of March last, being the day previous to the publication of the rejoinder to Sir Francis Bond Head's answer to the address of the citizens of Toronto, and that I have assisted in copying the same from the original, which he was then writing, and that I have sufficient reason to believe that Dr. O'Grady was the sole author of the same, unaided by any person or persons whatever, except a few suggestions made by James Lesslie, Esquire, and myself; I do further certify and attest that there was no opportunity of submitting that document (either the original, as written by Dr. O'Grady, or the copy) to the revision of any other person or persons than of those by whom it was signed, previous to its being sent to the Correspondent and Advocate office to be printed. And that the printed copy accorded with the original without any alteration or change.

(signed) "J. H. Price,

"Toronto, 9th May 1836."

"Attorney at Law."

(Copy.)

"I, THOMAS DAVID MORRISON, Esq., Mayor of the city of Toronto, do hereby certify that James Harvey Price, of the city of Toronto, Esquire, came before me this ninth day of May in the year of our Lord one thousand eight hundred and thirty-six, and acknowledged to me that the certificate written on the other side hereof, and to which he has subscribed his name, was and is true, and that the same is in his own handwriting.

"In witness whereof I have hereto subscribed my name, and caused the seal of the said city to be hereto affixed.

(signed) "T. D. Morrison, Mayor."

(Seal) (signed) "A. T. M'Cord, Chamberlain."

"By his Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Order of Merit, Lieutenant-Governor of Upper Canada, &c. &c. &c.

"These are to certify that Thomas D. Morrison, whose name is subscribed to the foregoing certificate, is Mayor of Toronto, duly elected by the Common Council of the said city for the year 1836.

"Given under my hand and office-seal at Toronto, this 10th day of May 1836, in the 6th year of His Majesty's reign.

(signed) "F. B. Head."

(Seal) "By command. (signed) J. Joseph."

(A true copy.) J. Joseph.

(18.)

(Copy.)

My Lord,

4, Trinity-court, Charing-cross, 12th August 1836.

R. Baldwin, Esq.
to Lord Glenelg,
12 Aug. 1836.

I HAVE the honour to acknowledge the receipt of a letter from Sir George Grey, of the 4th instant, in reply to my letter to your Lordship of the 28th ultimo.

Sir George Grey, while he informs me of your Lordship's declining to afford me the information requested, expresses your Lordship's desire to manifest towards me personally respect and courtesy. While acknowledging your Lordship's politeness in this particular, you will excuse me for expressing my full consciousness of respect and courtesy being both as your Lordship admits my due. And permit me to assure you, that I should never have done your Lordship the injustice of assuming that any course which you might deem it

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your duty to take, would have been meant to show want of personal respect or courtesy, my right to which I knew that I had never forfeited.

Nothing, as I have before assured your Lordship, could have induced me to trespass on your attention, but a sense of duty arising from what I believed, and still believe, to be a peculiarly dangerous crisis in the political affairs of Upper Canada, and your Lordship will, I am sure, give me credit for being free from any desire to violate any settled or necessary rule of official correspondence.

Since I last had the honour of addressing your Lordship, it appears by the accounts in the public papers, that Sir Francis Head has succeeded in procuring a majority of members ready to support him and his present Council in the new Parliament. I candidly admit to your Lordship, that I did not believe that his Excellency, with all his official influence, and all the violence to which he has resorted, would have been able to have accomplished this.

The event of these elections does not, however, in the least lessen the necessity for the adoption of the principle contended for in the working the machinery of the Provincial Government; though it will, of course, postpone the period for again calling for its practical application. I, however, once more take the liberty of entreating your Lordship not to suffer yourself to be led away with the supposition that the people of Upper Canada are opposed to the principle. They *may* be in favour of Sir Francis Head and his present Executive Council; but to suppose them opposed to the principle, in itself, involves, if not an absurdity, at least a conclusion so inconsistent with the natural impulse of the human mind, as to render the adoption of such supposition a certain foundation of future mischief. The Upper Canadians see this principle in full and beneficial operation in the mother country, and they will not be satisfied with being told that, though very good for their fellow-subjects in England, it is very unfit for them. The fact of the Government having appealed to the people by a dissolution, and awaited the result of that appeal, is, it is true, of itself, as far as it goes, a practical application of the principle contended for; but I cannot omit this opportunity of once again urging the expediency of your Lordship not losing the present opportunity of confirming the attachment of the people to the mother country, by an open and direct avowal that the principle thus already so far applied is in future to be fully carried out and uniformly acted upon: such a course would, I firmly believe, conciliate affection and confirm confidence; both which, your Lordship may be assured, are most necessary to the preservation of the connexion between the two countries. Let the present opportunity pass, and one so favourable may, most probably will, never again occur.

I cannot close without adverting to a report and address from the Legislative Council of the 19th of April last, which I have only seen within these few days, though no doubt it has been some time before your Lordship. I do so, because, without at present adopting all its conclusions, or feeling myself competent to pronounce upon the accuracy of its sentiments, it appears to me to contain a forcible illustration of the utter inefficiency of the system heretofore adopted in conducting the Provincial Government of Upper Canada; and your Lordship will see that the want of executive servants to conduct the legislative business of the Government through Parliament is, in the last paragraph but one, distinctly though delicately pointed out.

I shall trouble your Lordship no further. I have now done all that was in my power to avert the consequences which I apprehend. My opinions have been avowed with equal frankness to the Representative of the King in the Province, and to His Majesty's Government in this country; and the consequences which I anticipate from the adoption of a different line of policy from that which I have respectfully recommended, explicitly pointed out to both. Over the result I have of course no control, although I shall necessarily be involved in its consequences. I feel, however, that I have now discharged my duty, and your Lordship will, I am sure, be my witness that I have omitted nothing which was in my power, that could tend to impress His Majesty's Government with the importance which I attached to the principle, and the necessity which I conceived to exist for its prompt and avowed application as a permanent principle of Government to the Provincial Constitution.

Right hon. Lord Glenelg.

I have, &c.

(signed) *Robert Baldwin.*

(A true copy.) J. Joseph.

(19.)

(Copy.)

Sir,

Downing-street, 17th August 1836.

I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 12th instant, enclosing a deposition made by the editor of the Correspondent and Advocate newspaper of Toronto, with reference to an article published in that paper as a rejoinder to Sir F. Head's answer to the address of the citizens of Toronto. In reply, I am to inform you, that until the receipt of your letter, Lord Glenelg had never been informed that the authorship of the article in question had been attributed to you, and that certainly no assertion of that nature had been ever made by Sir F. Head.

I have, &c.

R. Baldwin, Esq.

(signed) *George Grey.*

(A true copy.) J. Joseph.

(20.)

Sir G. Grey to
Baldwin, Esq.,
Aug. 1836.

(20.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to direct to be laid before this House, a return in detail of all patents issued for lands, from the time of the prorogation of the last Provincial Parliament, until the end of the late general election, showing the number of the lots, names of the grantees, date of each patent, and when the grantee became entitled to his patent, or whether any relaxation of the original terms has been observed since that period, which had been previously required, and under what authority the grants were made, the dates and particulars of the orders in Council therefor, and the number of deeds, if any, that have been returned since the general election; and also to furnish this House with copies of all proceedings in Council, and all communications made to any officers of the Government by any persons in authority, and of any orders or warrants for any public money whatever in anywise relating to the issuing or facilitating the issuing of deeds since the termination of the late Session of Parliament, or otherwise relating to or bearing upon the late general election; and also to inform this House whether any, and, if any, how many deeds issued since the 20th of April last, which contained no description of the boundaries of the land granted, and the reasons which prevented the insertions of the usual descriptions.

Address to Lieut.-Governor for return of Patents, 7 Dec. 1836.

Archd. M'Lean, Speaker.

Commons House of Assembly, 7th December 1836.

(21.)

Gentlemen,

I SHALL direct the proper officers to prepare, without loss of time, the returns required by this address, in order to their being laid before the House of Assembly.

Answer to the above Address.

(22.)

F. B. Head.

THE Lieutenant-Governor transmits to the House of Assembly, pursuant to the requests contained in its Address of the 7th ultimo, the accompanying Report of the Executive Council, on the matters of inquiry contained in the said Address. The Lieutenant-Governor has nothing to add to the information contained in this Report, but the copies of the documents relating to the mission of Captain Fitzgibbon to the Eastern District, which he transmits to the House, as recommended in the Report of the Executive Council.

Lieut.-Governor to House of Assembly, 5 Jan. 1837, transmitting documents: see Appendix R. and N.

Government House, 5 January 1837.

(23.)

F. B. Head.

THE Lieutenant-Governor transmits to the House of Assembly, in addition to the documents already forwarded on the subject of Dr. Duncombe's petition to the House of Commons, a despatch he has just received from His Majesty's Secretary of State for the Colonies, enclosing a copy of a letter addressed to Lord Melbourne by Mr. Joseph Hume, with Lord Glenelg's reply thereto.

Lieut.-Governor to House of Assembly, 9 Jan. 1837, enclosing Despatch and Correspondence.

Government House, 9 January 1837.

(24.)

(Copy, No. 105.)

Sir,

Downing-street, 31 October 1836.

I THINK it right to place you in possession of a copy of a letter which has been addressed to Viscount Melbourne by Mr. Hume, complaining of your conduct in the recent elections in Upper Canada, and of my refusal to give to Mr. Baldwin and Dr. Duncombe an opportunity of personally stating their grievances; I also transmit to you a copy of the reply which I have directed to be returned to Mr. Hume's letter.

Despatch from Lord Glenelg to Lieut.-Governor, 31 Oct. 1836.

The charges which Mr. Hume has preferred against your administration appear to be only a repetition of what you have already been called upon to answer; but I transmit to you the inclosed correspondence in pursuance of the principle on which I have hitherto acted, of giving you ample opportunity of meeting every attack which may be made on your character and conduct, and of guarding at the same time against all misapprehension of the nature of the communications which may pass between this Department and private individuals on the subject of your Government.

I have, &c.

Lieut.-Governor Sir Francis Head, K. C. H. }
&c. &c. &c. }

(signed) Glenelg.

Correspondence of
Mr. Hume and
His Majesty's
Government.

(Copy.)

My Lord,

Worthing, 3 October 1836.

WHEN I last had an interview with your Lordship, I requested your attention to the state of Upper Canada, and to the extraordinary proceedings of Sir Francis Head during the late general elections.

I request you will have the goodness to present to His Majesty the enclosed memorial from the inhabitant-householders of the incorporated counties of Lennox and Addington, in Upper Canada, complaining of the interference of Mr. Hagerman, the Attorney-General, at elections there, contrary to the express instructions of Lord Ripon, and against the freedom of election.

It is with deep regret I complain of the conduct of Lord Glenelg to the agent of the Reformers from Upper Canada, in having refused to give an interview either to Mr. Baldwin, a member of the late Executive Council, or to Dr. Charles Duncombe, member for Oxford, in the new House of Assembly of that Province, although they came 4,000 miles, deputed by their colleagues, on purpose to explain to His Majesty's Government the conduct of Sir F. Head, the Lieutenant-Governor, and of other public officers in that Province.

I most earnestly requested his Lordship to grant an audience to these gentlemen, as they had requested; but he refused those applications, and thereby behaved to them in a manner which I greatly regret.

It appears that Sir F. Head has put down the Reformers in Upper Canada by giving his official support to the Tories and Orangemen, and he has acted, by fabricating votes after the elections had been begun, to overpower the old electors, contrary to the rules laid down by the preceding Colonial Secretaries, and in violation of the rights of the people.

Mr. Baldwin and Dr. Duncombe will both return to Canada, and communicate to their countrymen that they have been not only refused redress to their complaints, but have been refused by the Colonial Office an opportunity of personally stating their grievances.

I trust such conduct will not be countenanced by the British Parliament, from whom alone, after such conduct, the people of Upper Canada can expect to obtain justice.

I cannot believe that your Lordship is acquainted with the state of affairs in Upper Canada, and with the conduct of Sir F. Head, or you would not approve of the proceedings of the Colonial Office towards these agents from the Province,—conduct which appears to me calculated to drive the people to desperation.

I hope His Majesty will, according to the prayer of the petitioners, direct immediate inquiry into the complaints stated in their memorial.

The Viscount Melbourne, }
&c. &c. &c.

I have, &c.
(signed) *Joseph Hume.*

(Copy.)

Sir,

Downing-street, 21 October 1836.

I AM directed by Lord Glenelg to acquaint you that Viscount Melbourne has transmitted to his Lordship your letter of the 3d instant, on the subject of the proceedings of Sir F. Head during the late general elections for the House of Assembly of Upper Canada.

Lord Glenelg is of opinion that, as a more convenient occasion than the present will probably ere long offer itself for discussing the policy pursued by His Majesty's Government in relation to the affairs of Upper Canada, it could answer no useful purpose to enter into any correspondence on that question. His Lordship, however, avails himself of the opportunity afforded by your communication to Lord Melbourne, for the purpose of correcting some misapprehension into which you appear to have fallen as to the occurrences which have drawn forth your animadversions.

Your letter describes Mr. Baldwin and Dr. Charles Duncombe as agents of the Reformers from Upper Canada, and as having been deputed by their colleagues on purpose to explain to His Majesty's Government the conduct of the Lieutenant-Governor and of other public officers in the Province; and you state that Lord Glenelg refused to give an interview to either of those gentlemen, although it was most earnestly requested by yourself on their behalf. You add that they will both return to Canada and communicate to their countrymen that they have been not only refused redress to their complaints, but have been refused by the Colonial Office an opportunity of personally stating their grievances.

In reference to the preceding statements, Lord Glenelg directs me to remind you that, on the 19th of August last, you presented to the House of Commons a petition from Dr. Charles Duncombe, a member of the Assembly of Upper Canada, impugning the conduct of Sir Francis Head in the recent general election of the Province, and laying to his charge various matters of high criminality.

On that occasion I stated in my place in the House, that Lord Glenelg would call upon the Lieutenant-Governor for such explanations as he might be able to offer of the accusations so preferred against him.

On the 16th of June you transmitted to Lord Glenelg a letter to yourself from Mr. Baldwin, in which that gentleman offered various suggestions for the consideration of His Majesty's Government, respecting the conduct of the public affairs of the Province; but neither in your own letter nor in that of Mr. Baldwin himself, was that gentleman represented as the agent of any person in the Province, or as having been deputed by any one

to proceed to this country. On the contrary, in the very commencement of Mr. Baldwin's letter to you are to be found the following expressions, "as I informed you verbally on Saturday last, I am *not* the agent for the petitioners; being now in London, I do not feel that I would be justified in withholding my opinion on the present alarming state of affairs in that colony."

With respect to the character of Dr. Duncombe, as the agent or deputy of any persons in the Province, it is true that, in your letter to myself of the 19th August, you state that gentleman to have come to England at the request of the Reformers of Upper Canada; but Lord Glenelg does not find in any other document a suggestion that Dr. Duncombe was deputed by his colleagues to repair to this country. So far as the correspondence in this office extends, there is nothing to show that Dr. Duncombe ever laid claim to the character which is ascribed to him in your letter to Lord Melbourne. He presented himself to His Majesty's Government in the character of a member of the Provincial Assembly, but as invested with no other public trust.

It is perfectly true that Lord Glenelg declined to admit either Mr. Baldwin or Dr. Duncombe to a private interview. But it is no less true that, immediately on receiving the intimation of their wish to make communications to His Majesty's Government relating to the public interests of the Province, his Lordship invited those gentlemen to make their statements in writing. A written statement was accordingly made by Dr. Duncombe on the 20th September, and, within two days afterwards it was transmitted to Sir F. Head for his answer.

Lord Glenelg claims for himself the right to consider and decide in each case, as it arises, whether the public interest and the ends of justice will be best promoted by oral or by written communications. In the present case his Lordship found ample reasons for the opinion that it was expedient that the statements of Messrs. Baldwin and Duncombe should be reduced into writing. They were avowedly designed to criminate various public officers; nor can Lord Glenelg think that any man is entitled to complain that, in assuming the character of a public accuser, he is required to prefer his charges in that form, in which alone they can be deliberately made, distinctly understood, and subjected to a full investigation.

I have, &c.

Joseph Hume, Esq., M.P.

(A true copy.) J. Joseph.

(signed) George Grey.

(25.)

MINUTES OF EVIDENCE taken before the SELECT COMMITTEE to whom was referred the Petition of CHARLES DUNCOMBE.

Minutes of
Evidence.

Friday, 25 November 1836.

Present—Allan N. Macnab, Esq., Chairman.

W. H. Draper, Esq.

T. Parke, Esq.

H. Sherwood, Esq.

M. S. Bidwell, Esquire, Examined.

HE has usually acted with the party called Reformers, in Upper Canada; was a candidate at the last general election for the counties of Lennox and Addington. After this election declined any political interference, and had no communication of a political character with Dr. Duncombe. Having determined to abstain, as far as possible, from all political transactions, did not, of course, give Dr. Duncombe any authority or directions to make any application to Parliament or to His Majesty's Government on his behalf.

M. S. Bidwell, Esq

No riot, violence or force used or threatened to his knowledge at the election.

A few patents were voted upon, bearing date about the time of the election. The number of such votes could not have had any material effect on the election; was informed that Mr. Thomas Hems, who claimed a lot in Sidney, and who had been heretofore a supporter of his, that he had been informed by letter from Mr. John G. Spragge, that if he voted for him he would not get his lot in Sydney, and in consequence did not attend at the hustings. Heard of other circumstances, but has no distinct recollection of them, nor of the names of the persons who gave him the information. Did not always charge his memory with them, as he did not intend to make it the subject of complaint.

Has no knowledge of any direct interference on the part of the Governor at any election.

The Solicitor-General attended the election for the counties of Lennox and Addington, and harangued the people after the close of the poll the first day, in favour of Messrs. Cartwright and Detlor, and, was informed, took an active part in promoting their election, and in counselling and assisting to secure it; besides, it was a general impression that he attended there by the express wishes of the Lieutenant-Governor, and has no doubt that this impression had its effect on some electors in favour of Messrs. Cartwright and Detlor, but whether the impression was well founded or not, he had no means of knowing. The Solicitor-General voted at the election, but thinks not the first day. The Solicitor-General attended at the election in 1834, being the election preceding this, when Mr. Perry and

himself

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himself were elected, and Mr. Cartwright, the present sitting member, was the opposing candidate. Mr. Hagerman then voted for Mr. Cartwright.

Has no personal knowledge of any interference on the part of the Attorney General to influence any election.

W. J. MacKay.

W. J. MacKay resides in the town of Bath; is a merchant, and was returning-officer for the counties of Lennox and Addington, was also returning-officer at the preceding election—the elections in 1824 and 1825 were at Bath, so were the two last, but the intermediate one was at Gordiniers or Fralick's Corners, about seven miles from Bath; has read the petition of Dr. Duncombe to the House of Commons, and has no further knowledge of any facts tending to substantiate the allegations in it, nor can he furnish the names of any persons who can do so; has no personal knowledge of any sum or sums of money having been placed at the disposal of any person or persons to influence the elections; thinks all persons holding office under the Government voted against Mr. Perry and himself, with the exception of Mr. Rombough; Mr. Perry was then a magistrate, but his name has been omitted, having recently left the district, about the middle of October; he now resides in the home district.

Mr. Bidwell subsequently addressed a letter to the chairman of the committee, marked A. in Appendix.

T. Parke, Esq.

Thomas Parke, Esq. M. P. for Middlesex, one of the party in Upper Canada usually designated as the Reformers, resides in the county of Middlesex, had no knowledge of Dr. Duncombe's mission till he saw in the public prints that he had gone; he never had any communication with Dr. Duncombe on the complaints set forth in his petition; does not wish it to be understood from this that he disapproves of Dr. Duncombe's mission to England.

J. MacIntosh, Esq.

John MacIntosh, Esq., M. P. for the fourth riding of the county of York, one of the party in Upper Canada usually designated as the Reformers, had no knowledge of Dr. Duncombe's mission to England till after he had gone; did not in any way depute him to make any complaints to the British House of Commons; had no communication with him before or after his departure on any of the subject matters contained in his petition; there was no violence, riot or disturbance at his election, in his presence, except a trifling affray, which, as regarding the election, was of no consequence; there were persons who came and voted and said they had received their patents within a few days; there were not many such; cannot furnish the names of any person or persons.

The returning-officer was Thomas Henderson, a magistrate; the election was held at New Market, where it was held at the previous election; objections were made to some voters on the ground that although they had resided upwards of thirty years in the Province, were natives of the United States, and had voted at previous elections without objection, before the same returning-officer; those who produced a certificate of having taken the oath of allegiance were allowed to vote; those who had no such certificate were rejected; some of them who had been so rejected came back with the certificate of having taken the oath of allegiance and were allowed to vote; others were so disgusted at the refusal, never came near the hustings again; some of those voters so rejected offered to take the oath of allegiance at the hustings, but the returning-officer refused to administer the oath, alleging as a reason that he had no authority to do so, as the time within which returning-officers, by law, had authority to administer the oath of allegiance had expired; but two days after this decision the registrar of the county, who had authority, administered the oath to persons who were admitted to vote and did vote for witness. He has no further statement to make respecting the alleged interference of the Lieutenant-Governor, the Attorney or Solicitor-General, or any public functionary, except that he saw the Solicitor-General among the crowd at the election for the City of Toronto, as he supposed, using his influence for Mr. Draper, and that Mr. Sullivan, the principal member of the Executive Council, also voted for Mr. Draper.

Saturday, 26 November 1836.

Present—Allan N. Macnab, Esq. Chairman.

H. Sherwood, Esq.

W. H. Draper, Esq.

Richard Woodruff, Esq.

D. Thorburn, Esq.

David Thorburn, Esq., M. P. for the third riding of the county of Lincoln, is one of the party usually termed Reformers; was not aware that Dr. Duncombe had gone to England till he saw it in the newspapers published in New York, that he had sailed; had no communication with Dr. Duncombe on the subject of his petition, nor did he depute him to make any of the charges contained in said petition; is not aware of any force, violence or outrage used to influence the election by any person; Alexander Hamilton, Sheriff of the district, was returning-officer, whose conduct was very impartial, and witness thanked him at the hustings.

The election was held where it had been held for a great many years, though not in the centre of the riding where the people had desired it; there were no patents issued for voters bearing date since the arrival of Sir F. B. Head; there are no lands belonging to the Crown in that riding; knows of no interference on the part of the Lieutenant-Governor to influence

influence the elections beyond his replies to certain addresses to him previously to the late election, and subsequent to the dissolution; is not aware of any interference to influence the elections on the part of the Attorney or Solicitor-General; all the magistrates, constables, and other public functionaries, with a few exceptions, who had votes, voted against him, and made common cause with the Tories; his opponents had a constitutional society in a house immediately opposite the hustings, from whence all the constitutional papers issued; many persons supported his opponent who had no personal predilection for him but merely to support that cause, and yet were private friends of witness; had no personal knowledge of any sum of money having been applied by the Executive Government to influence the elections; has no personal knowledge in support of the allegations set forth in Dr. Duncombe's petition further than he has stated.

Gilbert MacMicking, Esq., M. P. for the fourth riding of Lincoln, is one of the party usually designated Reformers; knew nothing of Dr. Duncombe's going to England; the first he knew of it was on seeing an account, in the *New York Spectator*, that he had presented a petition to the House of Commons through Mr. Hume; has had no communication with him on the matter stated in the petition.

G. MacMicking,
Esq.

Alexander Stewart of Niagara was first appointed returning-officer, but declined, as he was a candidate for Niagara; the place of election was Chippawa, ten miles from where it had been formerly held; Mr. Usher was returning-officer, and holds no situation under Government; Mr. Hepburn, postmaster, was his opponent; both live in the village of Chippawa; believes no patents issued to voters in his riding; was informed that Mr. T. C. Street went round the country, particularly in the neighbourhood of Black Creek, and stated to numerous voters that if they voted for witness, in three weeks the deeds of their farms would be taken away from them; his father, Samuel Street, Esq., has given many deeds in that section of the country, as the land principally belonged to the estate of the late Mr. Hamilton, and therefore this, in the opinion of witness, gave greater weight to what he said; witness was informed by three men named Wingus, and one named Cider, that young Mr. Street read from a letter to them to the purport already stated; Mr. McLean, a magistrate, told several voters, if they voted for Mr. MacMicking they would lose their farms; Mr. T. C. Street is a clerk of W. H. Draper, Esq., in the office of Hagerman and Draper, and lives in Toronto; has no knowledge of any money having been given by the Executive to influence the election; agrees with Mr. Thorburn as to the conduct of magistrates and similar officers in making common cause at the election; two clergymen of the Church of England voted against witness; from the ignorance of the people to whom Mr. Street made these statements in that part of the country which witness represents, these representations, made as above, would have had great influence against him, had they not been counteracted by electors who were in witness's favour. In speaking of the ignorance of the people he means only as to the subject then under discussion.

A. Stewart, Esq.

Monday, 28 November 1836.

Present—Allan Macnab, Esq., Chairman.

W. H. Draper, Esq.

H. Sherwood, Esq.

Thos. Parke, Esq.

Richard Woodruff, M. P. P., first riding of the county of Lincoln, is one of the party usually termed Reformers in this Province; knew nothing of Dr. Duncombe's mission to England; has no reason to suppose any authority was given to Dr. Duncombe from the Reformers in his riding; does not think they knew of his going, but believes they were happy to hear he had gone as well as he himself was; at witness's election every thing was very peaceable, there was not one quarrel; Henry Nelles, Esq., Justice of the Peace, was the returning-officer, and his conduct was highly approved of, and received witness's thanks after the election; some of the people objected to the place where the election was held but the returning-officer said it afforded better accommodation than the place they wished, which in witness's opinion was the fact, but the other would have been more central; the election was held at Grimsby, the preceding election was held at the same place and at the same house; does not think that any patents were issued to electors in his riding, and thinks there were no Crown lands in his riding; no difficulty arose from administering the oath of allegiance, or refusing voters on account of not taking it in any way; with regard to the alleged interference on the part of the Lieutenant-Governor, the Attorney or Solicitor-General, and in general all other public functionaries, there was nothing of the kind at his election, but from report he has reason to think it existed at other places; has no objection to the returning-officer appointed by the Governor for the riding he represents; has reason to believe that the place of holding the Leeds election was fixed by the Lieutenant-Governor in order to favour the Tory candidates, but does not know of any other; the Leeds election was held at Beverley twice before; the result was not bloodshed and murder, but gave general dissatisfaction; then it was altered, and elections were held simultaneously in four different places in the county, under the statute passed for that particular election, which gave general satisfaction; the statute expired, the Lieutenant-Governor then fixed upon Beverley as the place to hold the last election, which gave general dissatisfaction in the district from whence he comes, namely, the Niagara district; the rector of Grimsby, Mr. Grout, voted against witness; has no knowledge of any money being applied by the Executive Government to influence the elections.

R. Woodruff, Esq.

Peter Shaver, Esq.

Peter Shaver, Esq., M. P. for the county of Dundas, is one of the party usually designated Reformers; knew nothing about Dr. Duncombe's mission to England till after his departure. The distance from this place to his county is about 250 miles; so great that he thinks there was no opportunity for persons in his county to become acquainted with Dr. Duncombe's mission till after his departure. The people generally thought some good would result from Dr. Duncombe's mission, and were satisfied on hearing that he had gone; and he does not disapprove of Dr. Duncombe's mission to England. There was no violence or outrage in the county of Dundas; the election closed the first day. There are no waste lands, to his knowledge, belonging to the Crown in the county of Dundas; therefore no patents could have issued to electors in that county; nor was there any difficulty respecting the oath of allegiance. There was no interference in the county of Dundas, on the part of any public functionary to overcome the Reformers and influence the election. With the exception of there being a number of copies of the Governor's speech at the closing of the last session, with other hand-bills, distributed among the inhabitants, some of which were distributed by the persons who generally took side with the Government, the papers emanating from the House of Assembly, and particularly those in pamphlet form, respecting the Executive Council, were not distributed in the county of Dundas, as the packets sent to witness and Mr. Cook never came to hand.

James M'Donald is a magistrate and was returning-officer; he was spoken of as a candidate, but, having been appointed returning-officer, declined being a candidate. Was a candidate at the previous election, and got a good many votes. After the close of the poll, the returning-officer told the people they had made a bad choice, and he disagreed in their views. Thinks from this he is a person who would favour the views of the Lieutenant-Governor; but as a man, a neighbour, a Justice of the Peace, for any thing he knows of him, thinks him an honourable, honest, upright man. All the difference between witness and Mr. M'Donald is of a political nature. For the last twenty years, the elections have always been held at the same place, and never heard a complaint on that score. With regard to the alleged unconstitutional acts encouraged by the Lieutenant-Governor and public functionaries, overruling the real electors and rendering their franchise of no avail, nothing of that kind occurred in the county of Dundas, and has no knowledge of it in other places, except by hearsay. Has no knowledge of any sum of money having been sent down or applied in any way by the Executive Government, or any person, to influence the elections, except by hearsay. Witness disapproved of the election being held at Beverley because of the violence that had formerly been used there, and it is a back place and not central.

Mr. Macnab,

I wish you to alter that part of my testimony respecting the returning-officer at the close of the poll. The returning-officer (M'Donald) said, "I must return Shaver and Cook duly elected." As much as to say, "It is compulsory on me to do so, although I am not satisfied with your choice;" and in his house refused to have the indenture and return executed until another day and place appointed, which caused Mr. Cook to travel thirteen miles, and then refused to send the poll-book with the return.

Peter Shaver.

J. Cook, Esq.

John Cook, Esq., M. P. for the county of Dundas, is one of the party usually designated Reformers; says that the testimony of the last witness was read to him with respect to Dr. Duncombe's mission to England; expresses neither concurrence nor disapproval, not even having heard his petition read. He agrees in other respects with the last witness. Returning-officer, after the election, said to the people that he returned the successful candidates with a great deal of reluctance, but could not possibly avoid doing so. There was nothing unfair in his conduct during the election.

Tuesday, 29 November 1836.

Present—Allan N. Macnab, Esq., Chairman.

W. H. Draper, Esq.

R. Woodruff, Esq.

H. Sherwood, Esq.

D. Æ. M'Donald,
Esq.

Donald Æ. M'Donald, M. P. for the county of Stormont, is in favour of measures of Reform for the benefit of the country, but does not identify himself with any particular party. Was not aware of Dr. Duncombe's visit to England, and had no communication with him on the subject; did not know he had left the country till after he had sailed. Is not aware of any authority given by any persons in his county to Dr. Duncombe to make the representations contained in his petition; is fully aware that if the people in his county thought there was any foundation for these allegations they would be the first to desire the investigation; that on the first day of the election there was a great number of persons present, canal labourers, and not electors, who followed Mr. M'Lean's flag, and who made a great disturbance when Dr. Bruce began to speak; and a great many of the same class of people on the Wednesday of the election came to witness and asked leave to join his party. The crowd did not proceed to acts of violence, crying, shouting or hallooing.

[Witness expresses a wish to be present at the Examination of Mr. Fitzgibbon.]

Witness is not aware of unconstitutional violence or outrage practised or sanctioned by Sir F. B. Head, in order to influence the elections, nor of any person or persons under his control.

control. After the first day, the labourers were on witness's side, and would have gone any lengths to secure him in his election. (It was a holiday on the line.) As to the alleged interference of the Lieutenant-Governor, the Attorney-General and Solicitor-General, there was a rumour to that effect, but he has no personal knowledge of it. Of course he considers that the object of the Lieutenant-Governor, in dissolving the late House, was to obtain a change in the representation, and, consequently, those approving of his administration used every exertion to secure that change. The public functionaries generally supported Mr. M'Lean; one magistrate voted for witness and Mr. M'Lean; two others would have voted for witness and not for M'Lean, and several would have voted for him and Mr. M'Lean if they had not feared they might risk Mr. M'Lean's election. About thirteen persons came up from Montreal and voted for Messrs. M'Lean and Woodruff. Mr. Pringle was returning-officer, is a magistrate, and Mr. M'Lean's deputy; was returning-officer at the previous election, and in witness's opinion would not do any thing dishonourable; and at both elections his conduct was unexceptionable. The election was held in the town of Cornwall, where it had always been held. Does not think there could have been any patents issued for lands in his county; no Crown lands open for location in his county. There were patents issued for lands in the town of Cornwall to persons who had been previously entitled to them, but thinks they would not have been taken out but for the election. But whether they were hurried by the Lieutenant-Governor here, or the successful candidate, he could not say. No patents were sent to Cornwall, but a certificate from the Secretary of the Province that the patents were completed was sent down, on which they voted. There is no Orange Lodge, to witness's knowledge, in his county. There was no organized interference on the part of Orangemen at his election. Knows nothing of the Leeds election. Is not aware of any sum of money being applied by the Executive to influence the elections.

Peter Perry, Esq., is a liberal Reformer; was a candidate at the last election for Lennox and Addington, and has generally acted with the party called Reformers; did not depute Dr. Duncombe to go to England; had no communication with him on the subject of his mission. He was in the city of Toronto in July last, and met Dr. Duncombe; had a conversation with him, but the subject of his journey to England was not mentioned to witness. Recollects a day or two afterwards of being informed by some one of the Reformers, that it was proposed that Dr. Duncombe should go to England, and asked witness's opinion on the subject. It was said that it would be necessary for Dr. Duncombe to be in England while the House was in session, and witness said unless he had the necessary documents to support him it would be useless for him to go; the reply was that he had the necessary information; that it had been collected. He thinks the conversation was with Dr. Morrison; there was no riot, violence or force used or threatened at the last election for the counties of Lennox and Addington, to witness's knowledge. There were some patents bearing date about the time of the election; not many upon which the parties voted; has no complaint to make on this subject. There were two descriptions for lands obtained by witness early in June, in Lennox and Addington, which remained in the office without a fiat till after the election; witness does not know for what cause; was agent for the owners of the land. Has heard the evidence of M. S. Bidwell, Esq., read, and confirms the same as far as his knowledge extends. Says that he has read the petition of Dr. Duncombe, and has no further remarks to offer.

P. Perry, Esq.

Wednesday, 31 November 1836.

Present—Allan N. Macnab, Esq., Chairman.
W. H. Draper, Esq.
H. Sherwood, Esq.
Thomas Parke, Esq.

Examination of *Thomas Parke, Esq.*, M. P.—*continued.*

HAS no knowledge of any of the Reformers in his county having deputed Dr. Duncombe to go to England, or to make the allegations set forth in his petition to the House of Commons, but thinks the Reformers in his county were generally pleased to hear he had gone; but they had no opportunity to give authority, as they live at a great distance, and did not know he was going.

T. Parke, Esq.

The following questions were put to Mr. Parke:—

1. Would you, as a Reformer of Upper Canada, if you had been asked previously to Dr. Duncombe's leaving the Province, have deputed or authorized him to make the charges contained in his petition to the House of Commons?—As I have but little hope of obtaining the redress of any grievance from the Home Government by an appeal in this way, I would have been indifferent to Dr. Duncombe's mission; but the subject contained in his petition being matters of common report at the time of his going, I would have had no objections to his journey.

2. Upon being further asked, by saying in your answer, I would have had no objections to his journey, do you mean to say you would have authorized him to make the complaints set forth in his petition?—They being matters of common report at the time of his going to England, and generally believed by Reformers, I think I would have sanctioned an application for an inquiry into their truth or falsehood.

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3. Would you have authorized the direct charge, or a statement of the reports requesting an inquiry?—The charges are stated as having taken place in different parts of the Province, and I am unable to say how far Dr. Duncombe was authorized to state them as facts; as far as they come within my knowledge, a request for an inquiry would have satisfied me.

4. Which do you consider the constitutional tribunal to inquire into the truth of matters affecting the validity of elections in Upper Canada?—The House of Assembly, if fairly elected.

5. When Dr. Duncombe left the Province for England, did you believe or desire it should be charged before the British Parliament, that the present House of Assembly was not duly elected?—If the general report in circulation at the time should prove true, it is my opinion that the present House of Assembly is not duly elected. I would therefore have no objection to such a charge being made.

6. Do you think a general report, the truth of which you say you are unacquainted with, and which has not yet been investigated, affords sufficient reason for transferring the inquiry from what you state would be the constitutional tribunal, to another?—My own opinion is, from all circumstances, that the present House of Assembly is not a proper tribunal to try the validity of the late elections.

7. If so, do you think it your duty to take part in the proceedings of the present House, or is it not rather your duty to abstain from them as wholly illegal and unconstitutional?—If it should be ascertained on a fair inquiry that the House of Assembly has been unfairly elected, I think none of their acts would be legal, nor should the country be required to submit to them.

8. Where should that inquiry be made?—I know of no place but the British House of Commons, though there are many difficulties in the way of its just consideration there, unless an appeal to the people under a protecting elective law.

9. Would you then desire that the truth of a general report should be investigated by the British House of Commons, in order to decide whether the House of Assembly of this Province is competent to sit and act, or not?—I would have no objection to the investigation by the House of Commons; yet, I think the truth of the matter could only be correctly ascertained by an appeal to the people, under such a law as I have mentioned in my foregoing answer.

Thursday, 1 December 1836.

Present—Allan N. Macnab, Esq., Chairman.
William H. Draper, Esq.
Thomas Parke, Esq.
R. Woodruff, Esq.

Mr. Parke's Examination—*continued*.

10. DOES not the inquiry before this Committee involve the legality or validity of the late elections?—If many of the charges which they are investigating should be true, this House is incompetent to try them, and their decision on them would be neither legal nor valid.

11. How is the truth of these charges to be arrived at, if this House be incompetent to try them?—I have answered this question already.

12. You have stated that your opinion is, from all circumstances, that the present House of Assembly is not a proper tribunal to try the validity of the late elections; upon what circumstances is your opinion founded?—These circumstances are so very various and many of them under investigation, and yet to be proved, it is impossible in a moment to state them; and bearing against the validity of their own seats, they are too interested, in my opinion, for me to expect a fair inquiry or decision from them.

13. Why then do you sit as a member of this committee, if such be your opinion?—Being sent by the electors of the county of Middlesex to attend to their interests here, I do not feel free to abstain, in the absence of their particular directions, to do so.

Friday, 2 December 1836.

Present—Allan N. Macnab, Esq. Chairman.
Jonas Jones, Esq.
William H. Draper, Esq.
H. Sherwood, Esq.
R. Woodruff, Esq.
T. Parke, Esq.

Mr. Parke's Examination—*continued*.

1. Do you, of your own knowledge, know of any unconstitutional violence or outrage practised or sanctioned by his Excellency the Lieutenant-Governor, directly or indirectly, at the last elections, for the purpose of obtaining a majority in the House of Assembly; and if so, state the facts?—There was a good deal of unconstitutional violence and outrage practised at the election for the county of Middlesex, but I am unable to say, from my own knowledge, that his Excellency the Lieutenant-Governor sanctioned them.

2. Do you of your own knowledge know of any unconstitutional violence or outrage practised or sanctioned by any person under the immediate influence or control of Sir Francis

Francis Head at the late elections, for the purpose of obtaining a majority in favour of Sir Francis in the Assembly; if so, state the facts?—Being much within the hustings during the time of the election, I am unable, from personal knowledge, to say, and only understood from report, that several magistrates viewed the unconstitutional violence and outrage at the late election for the county of Middlesex without taking steps to prevent it; how far they were under his Excellency's influence or control I am unable to say.

[Mr. Norton, having been requested by message from the chairman to attend the committee, answered that he could not come.]

3. Do you, of your own knowledge, know of any unconstitutional or illegal act of any public officer during the last elections; or of their doing any thing beyond a fair and honest endeavour to secure the return of the candidates they proposed, by voting for them and by fairly endeavouring to procure others to do the same?—For the reasons stated in my foregoing answer, I know but little, from personal knowledge, how far the persons alluded to may have resorted to the use of means not constitutional, legal, fair or honest, to secure the election of the candidates they preferred; even had I been more disengaged I could personally know but a very small part of what report states to have taken place. To get correct information of the truth or falsehood of these reports, the evidence of several persons who were witnesses to the same would be required.

4. What did the outrage and violence consist of which you considered as unconstitutional?—Being much within the hustings, as I stated in my previous answers, my knowledge of what I have reason to believe took place is necessarily very limited; they were said to consist of intimidation, riot and many kinds of violence, that might be resorted to to prevent a fair election, and I have suggested in my foregoing answer to have them properly investigated.

5. Has, to your knowledge, any public officer used any improper means, by any official act, or by the influence of his office, to interfere with the late elections, or the due exercise of the elective franchise by any elector?—I have no personal knowledge that such was the case, though it was a common report and much credited that such influence was used.

6. Was the vote of any person refused at any of the polls, who could not produce a certificate of his having taken the oath of allegiance; was the same, or was it not, required indiscriminately from electors, at the instance of the candidates, who were not British-born subjects, without regard to the candidates in whose favour they proposed to vote?—At the Middlesex election, those who could not produce a certificate of having taken the oath of allegiance were sworn at the hustings that they had taken such oath, and admitted to vote; such oath was administered at the request of any of the candidates who required it.

7. Who was the returning-officer in your county?—John Wilson, of the town of London, where the election was held.

8. Was there any thing in particular in his appointment, or was there any thing in his conduct as returning-officer partial or exceptionable?—I understand that Mr. James Givins, who was the returning-officer at the previous election, which was held at St. Thomas, was first appointed to hold the last election at the same place. Mr. Wilson was afterwards appointed to hold the election at London. I was generally pleased with his conduct as returning officer.

9. Do you know that Sir Francis Head interfered in any manner to overwhelm the legally-registered electors, by causing large numbers of patents to be issued?—A great many patents were issued immediately previous to and during the election of the county of Middlesex, particularly to the settlers in the township of Adelaide; I know not on what conditions these patents were issued, but believe the strictest inquiry should be had in relation to them.

10. Are you aware of any patents having been issued when the grantee was not entitled to it, and when it would not have been issued on application at any time with or without reference to the election?—I have no personal knowledge myself of such, but have heard many reports of such cases.

11. Were any patents distributed at the elections to persons who had not applied for the same, and without paying fees, when such were chargeable?—I have no personal knowledge of such cases, but it was a common report at the elections that there had been a large number. In such a case I must necessarily know but little.

12. Were any patents issued where the full amount of purchase-money had not been paid?—I have no means of knowing the truth or falsehood of the various reports of such cases.

13. Do you know that bands of Orangemen were organized by the lodges, who committed outrages at any election, and do you know that in any such case, or in case of violence, the returning-officer refused to permit the interference of the magistrates?—There are many Orangemen in the neighbourhood of London, and they acted with great violence at the election. I have no knowledge of their organization for such a purpose, though it was generally believed. At the first appearance of the rioting, two magistrates swore in several special constables to keep the peace. A good deal of altercation took place between them and the returning-officer on the subject, in consequence of which the means of preserving the peace was abandoned.

14. Were the real electors in any county, by violence and outrage, or other unconstitutional conduct, encouraged by the Lieutenant-Governor and public functionaries, overwhelmed, and their franchise thereby rendered of no avail?—I can only answer for the county of Middlesex, and but in a measured degree for that county: several electors I believe were kept from the poll in consequence of the violence that was going on there.

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The Lieutenant-Governor's writings had a very inciting and deleterious effect on the peace of that county.

15. Who are returned for Middlesex; are they Reformers, or are they persons favourable to the Administration of the Lieutenant-Governor?—Elias Moore, Esq., and myself, Reformers, not favourable to what we consider wrong and unconstitutional in the Administration of the Lieutenant-Governor.

Saturday, 3 December 1836.

Present—Allan N. Macnab, Esq., Chairman.

Jonas Jones, Esq.

Thomas Parke, Esq.

Richard Woodruff, Esq.

H. Norton, Esq.

H. Sherwood, Esq.

Mr. Parke's Examination—*continued*.

16. Is there any other fact, within your own knowledge, which you can state in support of the allegations contained in the petition of Dr. Duncombe, or the charges stated in his letter to Lord Glenelg?—I do not know how to select from the general scenes of foul play, violence and riot which transpired at the election for the county of Middlesex, even within the limited knowledge I had of them, and with any degree of justice state them as facts, within my own knowledge, in support of the allegations contained in the petition of Dr. Duncombe; and the causes and agencies which produced such a scene of things in this hitherto peaceful country, I am unable from personal knowledge to state.

17. Can you name one individual who can, from personal knowledge, support the charges contained in the petition or letter?—I will give the Committee a list of those persons who, I believe, will give important information on the subject.

J. Jones, Esq.

Jonas Jones, Esq., M. P. for the county of Leeds.—Has been twelve years in Parliament, and represented the county of Grenville during that time; he does not know of any unconstitutional violence or outrage practised or sanctioned by his Excellency the Lieutenant-Governor, directly or indirectly, at the late elections, for the purpose of obtaining a majority in the House of Assembly.

When Mr. Norton, seconded by Mr. Parke, moved, that it be resolved, that in order to facilitate the proceedings before the committee, there be a series of questions drawn out and submitted to every witness called before them, embracing all the allegations contained in Dr. Duncombe's petition referred to them, and that they be required to confine their answers to such questions.

Upon which the committee divided, and the Yeas and Nays being taken, were as follows:—

Yeas, 2.—Nays, 4. Lost by a majority of 2.

Mr. Jones, seconded by Mr. Sherwood, moved, that it be resolved, in order to facilitate the proceedings of the committee, that the course to be observed be by *viva voce* examination, and that Dr. Duncombe or any member of the committee may also put any question in writing, which he may think proper.

Upon which the committee divided, and the Yeas and Nays being taken, were as follows:—

Yeas, 4.—Nays, 2. Carried by a majority of 2.

Jonas Jones's Examination—*continued*.

He does not know of any such violence or outrage practised or sanctioned by those under the influence or immediate control of the Government; knows that individuals did. That at the election for the county of Leeds, which he considered incorrect and illegal, knows that individuals were assaulted and beaten at the election, and by such conduct were deterred from voting. Persons committing such outrage were unknown to him; saw one individual, an elector, at the hustings, who had been struck; he voted afterwards for Mr. Buell and Mr. Howard, Reform candidates; he complained in presence of witness of the outrage, and was informed that if he would point out the person who struck him, or any one concerned in it, steps should be taken to bring him to justice. The name of the individual was Chipman; he received but one blow, and was unable to say by whom the blow was given. Knows nothing of the county of Oxford, or any other county, except Leeds. When persons were objected to, their votes were refused, unless they could produce a certificate of having taken the oath of allegiance, those persons not being natural-born subjects. Several were refused of that description, who offered to vote for the candidates of both parties; and he thinks most of them subsequently returned to the hustings with the required certificate, and voted; as far as his knowledge extends, he thinks that the public functionaries, that is, the district officers in the district of Johnstown, almost unanimously voted for the constitutional candidates, and were very active at the election, doing all in their power for the return of them whom they supported. He is not aware of any of them having done any unconstitutional or improper act to effect their object. He has understood the same generally with regard to other parts of the Province, but has no personal knowledge. Believes the

the returning-officers to have been those generally who had heretofore acted in the same capacity, and to have been persons who usually supported the Administration of the Government.

Joseph K. Hartwell was returning-officer for Leeds, who had never been returning-officer before; the Sheriff of the district had usually been the returning-officer for the county of Leeds; his conduct had been frequently complained of by both parties; but in witness's opinion without any just cause. Mr. Hartwell's appointment was considered injudicious by many persons, and a representation against his appointment was made to the Governor, requesting another appointment, by six or seven persons of Brockville, on the constitutional side; the Governor declined appointing any other person, alleging that several similar applications had been made from other places, and that he should make no alteration; a request was made by the same persons, that the place of election might be changed from Beverly, where it had been appointed; the same reply was given to this; thinks that the returning-officer's conduct gave as much satisfaction to all parties as any returning-officer he ever saw discharge the duty; two elections had been previously held at Beverly, at which there had been a good deal of violence and improper conduct, and many persons were of opinion that if the election had been holden at a different place, such a course of proceeding might have been prevented, but witness is of opinion that the election being held at Beverly could not have had any effect upon the result; thinks there were individuals desirous of having it held there, supposing it would have a favourable effect to the constitutional party, but does not know that any representation was made to his Excellency on the subject, or that he was influenced by that motive; had no communication with any person in any way respecting the appointment of the returning-officer, or place of holding the election; believes there were a few persons who voted at the election, whose patents had been issued not long previously; does not think there were half-a-dozen; it is very usual for persons entitled to their patents to interest themselves in procuring them previously to an election, that they may exercise their elective franchise; at former elections for the county of Leeds, has known that a great number of patents had been issued to enable the grantees to vote at the then ensuing election, and has known certificates to have been sent down from the Secretary's office, giving the names of persons to whom patents had been made out, to enable them to vote at the election; the issuing of patents, and the sending of such certificates has been at the instance of the parties themselves or their friends, and not that he is aware of, in any single instance, upon the voluntary act of the Government. These patents have been generally to persons who have emigrated from Great Britain and Ireland, who always took a great interest in the elections, and were desirous of voting; he is not aware that there ever has been any distinction of persons from political considerations for whom the patents have issued, because he is well aware they voted for candidates on opposite sides; he has been frequently employed to get out deeds previously to elections, and he is aware that persons for whom he has got out deeds voted against himself and those whom he wished them to favour; knows of no patents having been publicly distributed at any election, nor is he aware of any patent ever having been issued, unless the party were entitled to it, or without the payment of fees; if any thing of this kind had occurred in the county of Leeds, he thinks he should have known it; at the last election for Leeds, he is perfectly satisfied that no organization of the Orangemen took place for the purpose of outrage and violence at the election, or any other purpose connected with it; violence and outrage, as he stated before, was committed at Leeds, but the individuals guilty of it are wholly unknown to him; there was not at the late election any organization of any number of persons with clubs or knives; that no organized attack was made upon the Reformers or their candidates at the hustings; nor were the Reformers or their candidates ever driven from the hustings; there was no obstruction to the electors voting at the hustings more than is common at any contested election he has ever witnessed; one of the Reform candidates, as he understood, about an hour before the poll opened on the second day of the election, as he was passing on the road, had a stick thrown at him by some individual; several individuals, he understood, had been struck during the election, but in no instance at the hustings, except the case he has mentioned; it was reported at the hustings, he thinks upon the third day of polling, that a number of Reformers had collected at the house of the brother of one of the candidates (Mr. Howard), about a mile and a half from the hustings, and were preparing to make an attack on the party; he was requested to go and ascertain the fact; he went to the house, and found that a number of Reformers were then assembled, but did not see any disposition on their part to commit any outrage; there were two individuals there who were injured by blows, James Cameron and Adam Dercolon; understands they had been injured in going to, or coming from, the hustings, by persons said to have waylaid them; had another object in going to Howard's house, which was to induce a man by the name of M'Kelvie to lay aside pistols, which it was said he had, and intended to bring with him to the ground; was apprehensive that if he or any persons came there with weapons of that sort, it would create a disturbance; met him on the road; he had no pistols; heard that he had left them at Howard's; rode past the hustings with him, and on his way to the inn, two or three persons came up, and one of them seized his horse by the bridle, alleging he was armed, and saying that his arms should be taken from him; witness immediately seized the person by the collar and made him relinquish his hold, assuring the party that he had no dangerous weapon; said that he was willing to be searched, and was allowed to proceed to the inn; was afterwards informed that he declined coming to the hustings to vote, fearing personal injury; witness went to him and assured him of his safety; offered to accompany him to the hustings; he declined going; afterwards he sent for witness and asked him to

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accompany him part of the way on the road, which he did, and he returned home without voting, and witness is of opinion that he might have voted without any danger of injury; witness subsequently received a letter from George M'Kelvie, thanking him for his conduct; has no personal knowledge of the alleged riots at Grenville; went to Grenville as soon as the poll closed at Leeds, and no such violence as is alleged occurred in his presence, nor did witness understand that the hustings were torn down; is not aware of any unconstitutional conduct other than appears in the facts he has detailed; thinks there was nothing that ought to have deterred any person from voting at the Leeds election; several Reformers voted for witness; many others declined voting at all, not being disposed to support the then Reform candidates, being willing that the representation should go into other hands; one of the Reformers by the name of Allen was brought up to the hustings by a number of persons who accused him of having in his possession pistols; upon witness going to him, he produced a dagger, and delivered the same to witness; in consequence of being found with such a weapon, he was threatened; he, however, voted, and went away without injury; the weapon had been made a short time before, and as witness thinks for the occasion saw no weapon of any description in possession of any other person at the election.

Monday, 5 December 1836.

Present—Allan N. Macnab, Esq., Chairman.

Jonas Jones, Esq.

W. H. Draper, Esq.

R. Woodruff, Esq.

H. Sherwood, Esq.

W. H. Draper, Esq., M. P. P. for the City of Toronto, Examined.

W. H. Draper, Esq.

THERE is now, and was at the last election, a Constitutional Society in this city; is a member of the executive committee of the society; it is a political society, established for the purpose of disseminating constitutional principles through the country, and more especially for the purpose of perpetuating the connexion between this colony and the mother country; the views of the society are detailed in the declaration issued by it shortly before the last election; had funds at their disposal, raised by voluntary subscription; meetings were always open to the public, and whenever a subscription was made, the name of the subscriber and the amount subscribed was proclaimed aloud to the meeting. The meetings were held at the British Coffee-house; above 500*l.* was subscribed and mostly paid; Robert G. Anderson, teller of the Bank of Upper Canada, is the treasurer of the society, and, so far as witness knows and believes, received all the money collected. The largest amount subscribed by any one individual was 15*l.*; there was, I think, one subscription for 12*l.* 10*s.*, the remainder were for 10*l.* and under; believes the whole sum collected was expended principally in printing, and in circulating the publications issued by the society; is reporter to the Court of King's Bench; is not aware that any sum of money was placed at the disposal of any committee by the Government or any of its officers, for any purpose connected with the elections; as a member of the executive committee of the Constitutional Society of this place, he held a situation which would probably have made him acquainted with any thing requiring secrecy, and if any sum of money whatever had been placed at the disposal of the Constitutional Society, thinks it next to impossible that he should have had no knowledge of it; has no knowledge that any sum, as alleged, was placed at the disposal of the Constitutional Society by the Governor, nor does he believe that a single sixpence was ever so placed; is as morally certain of that as he can be of any thing that is merely negative; knows of no violence or outrage practised or sanctioned by the Lieutenant-Governor or those under his immediate influence or control, at the late elections, for the purpose of obtaining a majority in the House of Assembly; so far as his knowledge extends, has no reason to believe that such was the case; the Attorney-General voted for witness, and has no doubt that if he could have used his personal influence to induce others to have followed his example, he would readily have done so; the Solicitor-General did not arrive till the third day of the election, and therefore did not vote; has no doubt that if it had been necessary, he would have voted for witness, and used his influence in his favour; Mr. Sullivan, President of the Executive Council, voted for him; with respect to other public functionaries, has no knowledge of their doing any thing beyond giving their votes and using their influence as other electors, without any reference to their situations; none of the Judges of the Court of King's Bench, or members of the Legislative Council, voted or interfered in any way in the election that he is aware of; both Catholics and Orangemen united in his support, and repeatedly declared their determination not to allow any feeling of religious difference between them to affect their conduct at the election; attributes his success among other things to that union, and the warm support of the merchants, tradesmen and mechanics of the city; Mr. Washburn was the returning-officer; disagreed with him in some of his decisions contrary to his interest, but believes that he acted with perfect impartiality; Mr. Small, his opposing candidate, complained of some decisions against his interest, but expressed himself otherwise perfectly satisfied with his conduct at the close of the election; the number of decisions complained of by either party, not exceeding three or four, had no effect upon the result of the election; knows of only one vote upon a patent issued since Sir. F. B. Head became the Lieutenant-Governor of the Province; only one vote was rejected on account of the person not having produced his

his certificate of having taken the oath of allegiance, and that was a person named Botsford, who tendered his vote for him; there was great crowding to get to the hustings by both parties, but whenever any disturbance took place among them, there was a prompt interference on the part of the returning-officer, and of the city magistrates, and the constables under their direction.

Henry Sherwood, Esq., M. P. for the town of Brockville, is a Constitutional Reformer, but does not belong to that party in Upper Canada usually designated Reformers; does not know of any unconstitutional violence or outrage practised or sanctioned by the Lieutenant-Governor or those under his immediate influence or control, at the late election, for the purpose of obtaining a majority in the House of Assembly; magistrates and others, having public duties to perform, generally supported the Administration, and used their influence for those candidates who declared themselves constitutionalists; knows of no union with Orangemen or any other particular party, for the purpose of unduly influencing the electors; is aware that in the city of Toronto the Catholics and Orangemen, with few exceptions, laid aside party and religious feeling and united in supporting the candidate that was understood to advocate conservative and constitutional principles, and thinks this union took place, not on account alone of the individual, but to support the constitutional cause. The returning-officers, with a few exceptions, were those who had before, so far as his knowledge extends, acted in the same capacity, and were known to be supporters of the Government. At Brockville, the Sheriff of the district was returning-officer; there was no complaint against his conduct that witness has ever heard of; knows nothing of the issuing of any patents prior to the election; at witness's election, no patents were issued, distributed, or new patents voted upon; was one of the vice-presidents of the Constitutional Society at Toronto. The fundamental object of the society was to perpetuate the connexion between Upper Canada and the United Kingdom of Great Britain and Ireland, as appears by the declaration of that society, a printed copy of which witness now hands in, marked B. The meetings of the society were always public, and were always held at the British Coffee-house; even people of opposite political feelings attended; is not aware of any sum of money being placed at the disposal of that society by the Lieutenant-Governor or any person under the Government in their public capacity; and had any sum, however small, been placed in the hands of the society for the purpose of influencing the elections or any other improper motive, is sure he should have known it. The funds of the society were always raised by voluntary subscription, and did not altogether exceed 600 *l*.

H. Sherwood, Esq.

Allan N. Macnab, Esq., M. P. for the county of Wentworth, does not belong to the party in Upper Canada designated as Reformers, but considers himself a Constitutional Reformer. Was a member of the two preceding Parliaments; at the last election was opposed by Messrs. Rymal and Smith, Reform candidates. Did not attend the elections, having for three weeks previous been confined to his bed by sickness; led the poll by a majority of 64; is not aware of any violence or outrage at the election, nor does he believe that any took place; does not know, nor does he believe that there was any undue influence used by any person at any of the elections for the purpose of effecting the return of any particular candidates; thinks the great change in the political character of the House is in a great measure to be attributed to the question between the late Executive Council and the Lieutenant-Governor, and the part taken by the late House of Assembly thereon, as well as the stopping the supplies; there are 62 members in the House, 14 of whom hold offices of emolument under the Crown, removable at pleasure; is not aware of any person having voted for him on town lots held in Hamilton, which did not qualify them to vote at the town election; is a member of the Constitutional Society at this place, and is not aware of any money having been given to them by the Executive Government for any purpose whatever; has heard such a report, but never yet met with any one who believed it.

Allan N. Macnab,
Esq.

Tuesday, 6 December 1836.

Present—Allan N. Macnab, Esq., Chairman.

Jonas Jones, Esq.

H. Sherwood, Esq.

R. Woodruff, Esq.

H. Norton, Esq.

W. B. Jarvis, Esq., is president of the Constitutional Society of Upper Canada, and Sheriff of the home district; no sum of money was ever placed at the disposal of the society by the Executive Government, or at his disposal, as president, for any purpose. It was quite impossible that such could be the case without his knowledge. All the funds of the society were raised by voluntary contribution, and expended in disseminating information and contradicting statements made by presses in this Province, viz. the Correspondent and Advocate, Constitution and others. Documents for this purpose were printed and circulated by the society; the object of the society, as contained in their declaration, was strictly kept in view throughout. The society took no part in the election of individuals, but confined their proceedings to the objects stated in their declaration aforementioned.

W. B. Jarvis, Esq.

Witness attended the city election and four county elections; knows of no unconstitutional violence or outrage practised or sanctioned by Sir F. B. Head, or those under his immediate influence, at any of the elections, for the purpose of obtaining a majority in the

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House of Assembly or for any other purpose. Was present at the election for the fourth riding of the county of York, where Mr. John M'Intosh was a candidate. Was selected by many of the freeholders to nominate Captain Macaulay as a candidate; did so; witness is a freeholder in that riding; voted for Captain Macaulay; addressed the electors when he proposed Captain Macaulay; did not use any influence as Sheriff of the district in the slightest degree to procure the election of Captain Macaulay; two of his bailiffs attended the election; one of them voted against Captain Macaulay, and the other would not vote for him; the one that voted against him was a special bailiff, and had since been employed by witness; any influence used by witness at the election for the fourth riding or any other was altogether personal, and not at the instance of the Lieutenant-Governor or any one under him; nor had he any communication directly or indirectly with the Lieutenant-Governor on the subject of the elections, except as a freeholder and inhabitant of the city of Toronto, in going up with an address requesting a dissolution of the late Parliament. The elections which witness attended were conducted very quietly; heard there had been a row at Simcoe, but saw nothing of it.

R. G. Anderson,
Esq.

Robert G. Anderson, Esq., is treasurer of the Constitutional Society, and has been ever since the formation of the society. The whole amount of funds received does not exceed 406 l. which were all raised by private subscription. No other money was put at the disposal of, or used by, the society, other than that which he has stated, from any quarter whatever; does not believe that any sum of money could have been placed at the disposal of the society, either by the Executive Government, or any one else, without his knowledge; and does not believe the society would receive money from the Executive Government, but that they would consider it an insult if offered for the purpose of influencing the elections. First heard it was reported that a sum of money had been placed at the disposal of the society by the Executive Government by a debate in the House of Commons reported in the newspapers on the petition of Dr. Charles Duncombe; the expenditure of all the funds passed through his hands were expended in printing and publishing different documents giving the public correct information on various political subjects, and correcting mis-statements made in certain public prints; no part of the funds of the society were expended in support of any candidate at any election in the Province; persons were sent to circulate the publications of the society in the second riding of York and elsewhere by the managing committee of that society.

Mr. Draper, seconded by Mr. Woodruff, moved, that the Clerk of the Crown in Chancery be requested to furnish this committee with a statement of the number of votes given at the late elections, on patents issued since the prorogation of the late House of Assembly, distinguishing for whom such votes were given, and the gross number of votes given for each candidate at each of the late elections separately, and any information in his possession as to the appointment of returning-officers, and of the place of holding elections; which was carried.

J. Fitzgibbon, Esq.

James Fitzgibbon, Esq., Clerk of the House of Assembly, and Justice of the Peace for the home district and the eastern district; was sent by the Lieutenant-Governor to the eastern district in June last, previous to the late election, in consequence of some disturbances that had taken place between some labourers that had been working on the canal, and the inhabitants of the neighbourhood; believes he was selected because he was an Irishman; speaks Irish, and has been employed before upon a mission of the same kind in the Bathurst district, which terminated favourably; the statement made by Dr. Duncombe to Lord Glenelg, in which the office of witness is introduced, was read to him, which he declared to be wholly untrue, except as to the fact of his being sent to the eastern district by the Lieutenant-Governor, in June last; that his mission to Cornwall in June was in no manner connected with electioneering purposes, but was wholly confined to preserving the peace, on and near the line of the St. Lawrence Canal, during the late elections in the town of Cornwall and county of Stormont; the intention of his Excellency in sending him to Cornwall, which appeared from conversations had with him previous to his departure, was to prevent the labourers on the canal from coming into collision with the electors at the then approaching elections and thereby supersede the necessity of employing His Majesty's troops; that he was instructed not to deliver the arms put in his possession, and taken there, into the hands of the militia or special constables, unless an absolute necessity existed to his satisfaction for their being employed for the preservation of the peace; and that no expression was used by his Excellency which could by possibility be construed to mean that his Excellency wished him to interfere in any election, nor did any person whatever suggest such interference, nor did the idea of any such interference occur to him; that during his stay there, he did not directly or indirectly interfere in any election; that he received before his departure for Cornwall, towards defraying his expenses during his absence, 30 l., and no more; that he never received money from any person or persons whatever for electioneering purposes, or even expended a farthing for such purposes. For the purpose of verifying the facts above stated, he has made an affidavit before the mayor of the city, which, together with a copy of the instructions he received previous to his departure for the eastern district, he begs to hand in for the information of the committee, marked C.

H. Ruttan, Esq.

Henry Ruttan, Esq., M. P. for the county of Northumberland, and president of the Constitutional Society of the Newcastle district, in connexion with the Constitutional Society of Toronto; knows of no money having been received from the parent society, or any other person or persons, for the purpose of procuring the return of any person or persons

persons to the House of Assembly: the election was held at the same place at which it was held at the previous election; knows that several individuals expected patents from the Government to which they had been long entitled, but were disappointed in receiving them, and returned home without voting; does not think there were 20 persons who voted at the Northumberland election upon patents received since the prorogation, and has no doubt but that the Constitutional candidates would have had a majority of 300, if the election had held for the whole term of six days.

A letter from Dr. Duncombe, marked D., is appended, as also the answer of the chairman, marked E.

Wednesday, 7 December 1836.

Present—Allan N. Macnab, Esq., Chairman.
William H. Draper, Esq.
H. Norton, Esq.
Jonas Jones, Esq.
Henry Sherwood, Esq.

William Warren Baldwin, Esq. is one of the party designated Reformers; has the honour of being Chairman of the Toronto Political Union, which society was organized a week or two previous to the meeting of Parliament; during last elections and previously was president of the Constitutional Reform Society of Upper Canada; the object of the society was to give information to the country to induce them to send proper members to the House of Assembly, and generally to maintain Reform principles by all legal and constitutional means, and particularly to introduce the elective principle in the Constitution of the Legislative Council, and to have a bill passed through the Assembly for that purpose; the latter is an object which he thinks advisable to pursue, but it has not been discussed in the society; as yet no particular discussion has taken place in the society upon those measures. Was aware of Dr. Duncombe's going to England; did not depute Dr. Duncombe as president of the society; was very glad that he was going, and gave him a letter to his son; Dr. Duncombe was not deputed by the society to witness's knowledge. When Dr. Duncombe came to this place, heard he was going to New York; understood in conversation that he was induced to extend his journey to England, by some persons in this place, whom he does not know; with his own eyes and ears he has seen or heard no unconstitutional outrage or violence practised or sanctioned by Sir F. Head or those under his immediate influence or control; but from the outcry throughout the country, and from statements made to witness by persons who said there were, witness believes there were violent and unconstitutional means used; Mr. Lount, an unsuccessful candidate, was witness's informant; cannot venture to name any other; knows nothing of the issuing patents, except by report. Does not think it unconstitutional for persons holding office to vote, but thinks they should refrain; thinks it wrong that clerks in public offices should interfere at elections; and if they do, should be dismissed; and thinks it as bad as if they had been sent by the Governor; does not extend the observations beyond persons actually depending on Government for their living.

W. W. Baldwin,
Esq.

Friday, 9 December 1836.

Present—Allan N. Macnab, Esq. Chairman.
Jonas Jones, Esq.
H. Norton, Esq.
Henry Sherwood, Esq.
R. Woodruff, Esq.

James Durand, Esq., is one of the party generally designated Reformers; knew nothing of Dr. Duncombe going to England; did not in any way depute him to go; was a member of the last House of Assembly; was a candidate for the county of Halton, at the last general election; has no personal knowledge of any unconstitutional violence or outrage sanctioned or practised by Sir Francis B. Head or those under his control, to influence the elections; is of opinion that all the Executive influence was used through the influence of the Government that could be, by persons holding situations under the Government, such as magistrates, &c., from the unusual exertions they appeared to make at the election for the county of Halton, such as attending, urging people to vote, electioneering, &c.; in consequence of which, together with patent deeds, newly issued, thinks he lost his election; knows there were six persons holding office out of the district voted against him, and thinks there were more; thinks there were as many as 20 patents issued, upon which people voted, bearing date after the commencement of the election, to the 29th of June. The majority against witness in favour of Mr. Chisholm was upwards of 120, in favour of Mr. Shade upwards of 50. The returning-officer decided contrary to the wish of the Reform candidates, that when persons were questioned as to their having taken the oath of allegiance, and said they had done so, were required to produce a certificate, although willing to swear they had before taken the oath; that rule was observed with respect to both parties.

J. Durand, Esq.

William Johnson Kerr was returning-officer; was generally considered a violent partisan. His conduct generally was very impartial, and thinks he did every thing in his

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power to give the electors an opportunity to vote; thinks the place selected in Halton for the election was most unfavourable to the interest of the Reform candidates; thinks that place was fixed upon for that purpose. It was in the township of Nelson, a very improper place, for the following reasons:—As to territory and population, had been objected to, and a delegation sent to the Governor to change it, which he refused to do; being within 12 miles from one end of the county and 40 miles from the other, and most thinly settled; Dundas is between 10 and 12 miles from the place where the election was held; the last four elections were held at Dundas, where witness resides. Caleb Hopkins, the other Reform candidate, and Mr. Chisholm, one of the successful candidates, reside at the place where the late election was held. Mr. Shade, the other successful candidate, resides at Galt, 30 miles from the place where the election was held. The two elections previous to the last four were held four miles west of Dundas, on account, as he believes, of being more central; witness thinks that in consequence of the election being held where it was, it prevented a great number of his friends from attending, and notwithstanding the means used, had it been held in the usual place, he would have been certain of his election; he knows more than 200 people in the township of Waterloo that did not attend the election on that account, and would have voted for witness and his late colleague.

Wednesday, 21 December 1836.

Present—Allan N. Macnab, Esq., Chairman.
M. Burwell, Esq.
H. Sherwood, Esq.
J. Prince, Esq.

Rev. B. Cronyn.

Benjamin Cronyn, rector of London, in the London district, is not aware of any unconstitutional violence or outrage practised or sanctioned by Sir F. B. Head, or those under his immediate influence or control, at the late elections, for the purpose of obtaining a majority in the House of Assembly; lives in London where the election for Middlesex was held; was there during the whole election; never heard any thing, nor saw any appearance of violence offered to Mr. Moore, the Reform candidate; the Reformers were not driven from the hustings by Orangemen or any other persons, with or without clubs, and the allegation in Dr. Duncombe's petition, that they were driven from the hustings with clubs (the Reformers), and beating them wherever they found them, is untrue; the allegation in the petition that he Mr. Cronyn, a clergyman of the Church of England, was constantly hurrabing and cheering on the Orangemen who were seen running through the streets intoxicated, with clubs in their hands, threatening the Reformers with instant death if they should shout "Reform," is utterly and entirely false; in confirmation of which he presents a statement, signed by 28 highly respectable persons living in the town where the election was held [marked F.], and among whom are some avowed Reformers. At the hustings, on the second day of the election, when the friends of the Reform candidates had occupied the hustings exclusively for about four hours, as the poll-book will show, that on that occasion the loyal party, of whom several hundreds had assembled from the country to vote, came forward in a body and made an entrance for themselves through the Reformers to the poll; that on another occasion the loyal party were greatly excited by an act of outrage committed by one of the Radical party, who tore the Union Jack from off the staff, and having dragged it at the tail of a waggon through the mud, tore it to pieces and threw it in the river; that on both those occasions witness exerted himself to preserve order, and succeeded in a very great degree; witness saw only two assaults between two individuals throughout the election, on which occasion the loyal party received as much injury as Reformers, and witness has often seen more fighting of a training day in London than during the whole election; that the allegation in the petition that Mr. Wilson forbade the magistrates from interfering with the voters during the election; and when Mr. Talbot insisted on his right, as a magistrate, to keep the peace, at any place not immediately about the hustings, the returning-officer threatened to commit him to prison; witness believes it to be incorrect, as regards the interference with Mr. Talbot; witness was present in the hustings when Mr. Talbot came in and told Mr. Wilson that he had sworn in some special constables to keep the peace; Mr. Wilson replied, that no complaint had been made to him, neither by the candidates or any of their friends, of any hindrance offered to voters, and he warned Mr. T. not to interfere at the hustings, and that he would commit the constables if they interfered with the voters; there were no organized bands of Orangemen at Middlesex, as witness believes, nor did the returning-officer refuse to allow the magistrates to interfere, except immediately at the hustings; that the returning-officer informed Mr. T. that if he required the assistance of the magistrates or the constables, he would call for them.

J. Stewart.

John Stewart.—He was poll-clerk at the election for Middlesex; the second day of the election, when the interference complained of by Mr. Duncombe of Mr. Wilson, the returning-officer, with Mr. Talbot, the magistrate, witness was present; Mr. Talbot and Mr. Scatchard sent in a note to the returning-officer, informing him that they had sworn in about 30 special constables, and the constables were marched up after. Mr. Wilson went out and told the magistrates he would allow no interference at the hustings, but it was their bounden duty to keep the peace in any other part of the town, and that he would call for their assistance at the hustings if he wanted it; that he had received no complaints from

from either of the candidates or their friends, but that if any complaints were made he would take immediate steps to redress them; during all this time the polling of votes was going on quietly. Witness is an Orangeman living in the town of London; is not aware of any band of Orangemen organized in their lodges for the purpose of disturbing, interfering or influencing the election in any manner; witness has a general acquaintance with the Orangemen in this county, and is certain that not more than 12 Orangemen voted at the election for Middlesex, and does not believe that there were more than 20 in the town during the whole of the election, and none appeared as Orangemen that witness saw. [A copy of a letter to Mr. Joseph, Secretary to his Excellency the Lieutenant-Governor, by Mr. Stewart, was handed in, and is appended, G.]

Mr. Parke, one of the members for Middlesex, was present when witness was selected by Messrs. Talbot and Murphy to go to Toronto to get the election changed from St. Thomas to London, and understood him to be in favour of the application, as he did not dissent from it.

Thursday, 22 December 1836.

Present—Messrs. Macnab, Chairman.

Prince.

Burwell.

Sherwood.

G. W. Whitehead is a Constitutional Reformer; was a candidate for the county of Oxford at the last election; is not aware of any unconstitutional violence or outrage practised or sanctioned by Sir F. B. Head, or those immediately under his control or influence at the last election, for the purpose of gaining a majority in the House of Assembly; has read the petition of Charles Duncombe.

G. W. Whitehead,
Esq.

Copy of Letter addressed by the Witness to the Chairman of the Committee.

To *A. N. Macnab*, Esq., Chairman of the Committee on the Petition of
Charles Duncombe, Esq.

SIR,—Having been called upon by the select committee to state for their information what I know of the allegations made by Charles Duncombe, Esq., M. P. P. for the county of Oxford, in his petition to the Imperial Parliament, beg to say, that I was a candidate at the late election for the county of Oxford, and during the whole of the election seldom left the booth, and can bear positive testimony to the upright and impartial conduct of the returning-officer, John B. Askin, Esq. The plan pursued by Mr. Askin in receiving votes was to take down the name, residence and freehold upon which the elector proposed to vote, after which the returning-officer called on the candidates, and inquired of them if they had any objection to the vote being recorded. Mr. Askin did not at any time refuse to administer the necessary oaths when required to do so, neither did he refuse to receive any vote, unless an objection was made by one of the candidates; and I am not aware of one vote having been refused that was not by common consent of the candidates. That part of the said petition stating that Mr. Askin refused to take the votes of many who had voted at former elections, is a most extraordinary charge, nothing of the kind having taken place on the part of Mr. Askin. The persons there alluded to were most of them objected to by me, on the ground of their not having registered their names as required by the Naturalization Act, they being of that class of Americans who emigrated to this Province since 1820. Some few were offered by those who have complied with the statute, and the persons not producing their certificates were refused at the time, not by the returning-officer but by the candidates, and were told by the returning-officer that if they produced their certificates, he would record their votes, which in some instances was done on the next day. All objections raised by either of the candidates were in most cases satisfactorily settled between them, and I do not remember that the returning-officer was at any time called upon to decide a question, that (after hearing his opinion) was not unanimously assented to by the respective candidates. There is not a shadow of truth in that part of Mr. Duncombe's petition which states, "That in the early part of his election, while the contest was doubtful," &c., as there was not at any time during the election the smallest doubt of his success, he leading the poll from the commencement. So satisfied was Mr. Duncombe of his return, by a large majority, that he frequently during the election confidently said to me, that no force could be brought to prevent his return. That Dr. Duncombe could summon to his aid sufficient assurance to gravely state to the Imperial Parliament what he has set forth in his petition against Mr. Askin, as returning-officer, is more extraordinary, for in his closing speech, before some hundreds of the electors, he then and there voluntarily said, that "he was highly pleased with the honourable, upright, gentlemanly and impartial manner in which the returning-officer had conducted the election; and although he had every reason to believe that Mr. Askin and himself differed in political principles, notwithstanding he felt himself called upon there to state publicly, that he not only had every justice done him, but that he was satisfied that a better selection for returning-officer could not have been made."

There was not any organized band of Orangemen at the election, and I do not know that there was a single Orangeman present during the election. I am not aware of any undue influence used or attempted on the part of the Lieutenant-Governor by any of the magistracy of the district to influence elections, unless the conduct of Eliakim Malcolm, a J. P.,

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can be considered in that light. He (Mr. Malcolm) was indefatigable in riding through the country, circulating Alliance Society and other revolutionary papers, and haranguing at political meetings in favour of the Reform candidates, and in many respects using that disreputable language against the Lieutenant-Governor and the Government in general, that was calculated to mislead the uninformed, and bring the Administration into disrepute with the people. I understood that John Scatchard, a J. P., was industrious in favour of the Radical candidates, but cannot say of my own knowledge further than that he came from London to Oxford to vote for Messrs. C. Duncombe and Alway; and at the time of tendering his vote expressed himself highly pleased with the success of Reform. There was greater exertion made, and a greater influence used, to secure the return of the Radical candidates by circulating falsehoods, misrepresentations and disseminating sedition, than could possibly have been made by the constitutional party at all previous elections where Dr. Duncombe was a candidate. I was one of his warmest supporters, being myself of that class of politicians known as Constitutional Reformers, but no Radical. My remarks cannot be considered as emanating from former prejudices respecting the Doctor. I told him my reasons for leaving him were his avowed republican principles, his determination to effect an organic change in the constitution of this Province, and his being a public defaulter; and in conclusion I beg to say, that so far as circumstances have come within my knowledge (and I have had a fair opportunity of judging), the petition of Charles Duncombe, Esq. M. P. P., is a gross libel upon the Government, and fraught with falsehood and misrepresentation. All of which I most respectfully submit,

And have the honour, &c.

Toronto, 22 December 1836.

(signed) G. W. Whitehead.

As regards the allegations in Dr. Duncombe's petition that the Attorney and Solicitor-General, and in general every public functionary, made common cause with Tories, is not aware of any interference on the part of the Attorney and Solicitor-General, but as regards magistrates, Mr. Malcolm, a Justice of the Peace, used all his influence in favour of Mr. Duncombe, such as riding through the country, distributing the pamphlets and papers that emanated from the Alliance Society, haranguing at public meetings and abusing the Lieutenant-Governor. He voted for Dr. Duncombe. John Scatchard, a J. P., came from London, and voted for Dr. Duncombe and Mr. Alway. Has no knowledge of any patents being issued about the time of the election for his county. There were no bands of Orangemen at the election for his county; and that the election was carried on in a peaceable and quiet manner, much more so than is generally the case at such times; witness lives within three miles of the residence of Dr. Duncombe; never heard of his departure for England till some time after he had gone; if it had been public in his neighbourhood, witness is certain he must have heard of it; does not believe the Reformers in his neighbourhood knew any thing of Dr. Duncombe's mission.

J. B. Askin, Esq.

John B. Askin, Esq., lives in London; was returning-officer for the county of Oxford; has been the returning-officer twice before, under the Administration of Sir John Colborne; has read very attentively the petition of Dr. C. Duncombe to the House of Commons; and all and every part thereof is wholly untrue, to the best of witness's knowledge and belief, excepting that witness was returning-officer; and in confirmation begs to put in the certificates marked A. and B.

Wednesday, 28 December 1836.

Present—Allan N. Macnab, Esq., Chairman.

M. Burwell, Esq.

H. Sherwood, Esq.

O. R. Gowan, Esq.

Ogle R. Gowan, Esq., member for the county of Leeds.—Witness was a candidate at the last election for the county of Leeds, in concert with Jonas Jones, Esq.; the opposing candidates were William Buell and Matthew Howard, Esqrs. Mr. Jones and witness were elected by large majorities. Witness has been three times elected for the county of Leeds. Witness has read the petition of Dr. Duncombe. The first paragraph appears to witness to complain that Upper Canada has arrived at a dangerous crisis in its affairs, in consequence of alleged unconstitutional violence and outrage, practised and sanctioned by Sir F. B. Head, and those under his immediate influence and control, during the late elections. To this witness replies, that the first part of the allegation, charging his Excellency the Lieutenant-Governor with having practised outrage and violence, must be manifestly false, inasmuch as Sir Francis was not present at any election, and consequently could not himself have committed any act of violence or outrage; and as to its being done by others, under his Excellency's immediate influence and control, witness knows of no such case in the Province, nor does he believe one exists. Witness knows nothing, personally, of the allegations contained in the ensuing two paragraphs of the petition referring to the conduct of the Rev. B. Cronyn, John B. Askin, and John Wilson, Esqrs., other than that the gentlemen charged in them are highly respectable, and that they have, by petition to the House of Assembly, solemnly denied the accusations made against them, and have called on the Legislature to investigate the facts.

The next paragraph in the petition which relates to the Governor, the Attorney and Solicitor-General, &c., &c., making common cause with the Orangemen and Tories, witness believes

believes may be true, except perhaps that it should have been written, that instead of the Governor, &c. making common cause with the Orangemen, &c., the Orangemen made common cause with his Excellency, &c. In reference to the next paragraph, which charges the Lieutenant-Governor with having appointed persons as returning-officers who were likely to forward his views, witness can only state that he can neither confirm or deny the truth of the statement, but he is of opinion that if the Governor did not do so he would be highly culpable. Throughout the whole Province the great body of the respectable, intelligent and educated colonists are in favour of the Executive Government, and he is of opinion that none but persons of respectability, intelligence and integrity should be appointed by his Excellency to fill so important and responsible an office as that of returning-officer.

The next paragraph charges the Lieutenant-Governor with having appointed the places for holding the elections at such places as would favour the Conservative candidates. To this witness can only reply, that he has no knowledge of the places at which the elections were held being changed from where elections had been held at other times, except in the counties of Middlesex and Grenville. In the former it was removed from a village to the capital of the district, and in the latter, from Prescott (a town on the very southern verge of the county) to Merrickville, a town much nearer the centre of the county; witness desires to add, that in neither case did the removal alter the representation, and in both the Revolutionists (called Reformers) were returned.

As to issuing of deeds, or free grants for land, by the Lieutenant-Governor, as charged in the next paragraph in the petition, witness knows nothing of it. He has a general knowledge of the state of the elective franchise in the counties of Frontenac, Leeds, Grenville, Lanark and Carleton, particularly Leeds and Grenville; he knows the statement to be wholly untrue, so far as regards the two latter counties; and he believes it to be untrue as regards the others. Witness knows nothing of the case of the Rev. Dr. Phillips. Witness says, as to the allegation that additional clerks were required in the public offices, that he does not believe it, but cannot say whether it be true or false. Witness knows nothing of the case of Mr. Ritchie, or the Simcoe election, except by report, and that is not at all in unison with the allegations in the petition. Regarding the uniform practice of not issuing patents until the purchase-money and fees have been paid, and the condition of the orders in Council complied with, witness says, that in all cases which came under his observation, the practice was rightly adhered to, and he does not believe that in any case has it been departed from. Not being at the Middlesex election, witness cannot say whether the charges in the petition, referring to it, are true or false. From the official situation which witness has the honour to hold in the Loyal Orange Institution (that of grand master), he felt it to be his duty to inquire into the truth or falsehood of the statement, and he has been assured by Mr. Stewart, Mr. Cleverly and others, members of the society, resident at London, who were present at the election, and in whose integrity he reposes every confidence, that the allegations are wholly untrue. In reference to the next paragraph in the petition, witness says, that he attended the Leeds election from its commencement to its close, and in no instance did he observe a band or bands of Orangemen armed with either knives or bludgeons, driving the Reformers (so called) from the poll. The Orangemen, neither at Leeds, nor elsewhere, attended the election as Orangemen, or in bands, armed or unarmed, distinct from the rest of their fellow-subjects, or distinguished by any particular emblems or badges. They attended as freeholders to give their votes, and in common with the rest of their fellow-subjects of all persuasions, to exercise their elective franchise. On the first day of the election for Leeds, witness's colleague and himself were placed far ahead of the opposing candidates; their majority increased each succeeding day during the continuance of the poll; and it was not, he thinks, until the last day, when all hope of success on the other side had vanished, that complaints were made of violence. Witness has no doubt but that some young boys, perhaps actuated by over-zeal, or labouring under the influence of liquor, might have been led to revenge private quarrels, or to commit breaches of the peace at the election, which he considers not at all surprising, as he seldom knew large bodies of the rural peasantry brought together, and continued assembled for several days, upon subjects so exciting as contested elections generally are, without violence and occasional breaches of the peace following, but that there was any settled or premeditated plan or project at the Leeds election to unite bands of men, with clubs or knives, to drive the Reformers from the poll, he declares to be absolutely untrue. He wishes to add further, that he has frequently seen more fighting at militia trainings, and at what are called "logging bees," than he saw at the election alluded to; indeed he saw more at the election for police officers for the town of Brockville, which was held within sight of the gaol and court-house. Witness also desires to add, that neither Mr. Jones nor himself, nor any person authorized by them, furnished any kind of liquors or kept any open house during the continuance of the election; and in many cases Mr. Jones neglected his duty as a candidate, in examining the votes, &c. at the booth or polling-place, in order to prevent breaches of the peace outside; in fact he was incessant the whole time in speaking to the crowd, and endeavouring to allay angry feeling whenever or wherever he saw cause to dread collision between the parties. A large number of the district magistrates attended every day, to be ready to act in concert with the returning-officer, should any emergency require their services. Witness considers that the returning-officer discharged his duty with fidelity, efficiency and impartiality.

In reference to the next paragraph, witness says, not having been at the Grenville election, he cannot say what took place there.

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Witness conceives that the best answer he can give to the Committee in reference to the last part of the petition, is to refer them to the fact, that the time limited by law for the trial of controverted elections was permitted to expire without a single election in the whole Province having been contested; and in one instance only have the Reformers since expressed a desire for inquiry, that of the second riding of the county of York, in which case the House of Assembly, by an unprecedented act of liberality, and at the request of the petitioner (Mr. Mackenzie), suspended its standing order, received his petition, and appointed commissioners to receive such evidence as he could adduce. Witness has no doubt from the zeal evinced by the party styling themselves Reformers, upon all other occasions and questions, that if even one solitary charge made in Dr. Duncombe's petition was capable of proof, they would be glad to have embraced the opportunity of controverting some one election, or more, when they could have exposed the corruption and violence alleged by them to have been committed.

W. Higgins, Esq.

William Higgins is high constable of the home district; is not, nor ever was bailiff to the Sheriff; voted against Wm. L. Mackenzie at the election for the second riding of the county of York; has been owner of the land upon which he voted for the last seventeen years, and entitled to his deed for that time, although he only took it out of the office on the 28th June 1836; witness paid the fees on his deed.

G. Walton, Esq.

George Walton, of the city of Toronto, was deputy-sheriff at the last general election; voted against Mr. Mackenzie at the election for the second riding of the county of York, upon a deed from the Government of lots No. 1 and 2, east side of Bay-street, in the town of Port Credit; purchased the land some time in May last; paid 27 *l.* for it at public sale; considers it worth 75 *l.*, being one of the most valuable lots in the town.

J. Powell, Esq.

John Powell, Esq., barrister, voted against William L. Mackenzie, on lot No. 7, westerly side of Port-street, in the town of Port Credit; purchased the lot for 14 *l.*; witness obtained his deed for the express purpose of voting against William L. Mackenzie, and paid for the same; witness has since been offered 30 *l.* for the same lot.

J. King, Esq.

John King, Esq., M.D., voted against William L. Mackenzie at the last election, on lot No. 3, east side of Bay-street, in the town of Port Credit; witness paid 14 *l.* 10s. for said lot to Commissioner of Crown Lands; thinks it now worth 30 *l.* at least; witness was present at the closing of the poll on Wednesday evening, and heard Mr. Mackenzie say, in addressing the people, that he was perfectly satisfied with the conduct of the returning-officer, or words to that effect, and if he was left out he would be left out fairly; he was then in the minority; witness then requested the people to mark and remember what Mr. Mackenzie had said.

J. MacIntosh, Esq.

John MacIntosh, Esq., M.P.P. for the fourth riding of the county of York, again presented himself to the committee, and stated that Captain Macaulay, when he offered as a candidate and opposed witness, was an officer on full pay; stated, in reply to a question put to him, that he had applied for leave to go on half-pay, but had then received no answer.

H. M'Lellan.

Hugh M'Lellan is door-keeper to the House of Assembly; has been upwards of 27 years in His Majesty's service; served in the 79th regiment; voted at the election for Simcoe on lot No. 11, in the 12th concession of Tecumseth; has been in possession of the same for several years; lives on it, and has cleared 24 acres, with other improvements; having complied with the terms of the grant, obtained the patent on the 15th April last.

Tuesday, 27 December 1836.

Present—Allan N. Macnab, Esq., Chairman.

John Prince, Esq.

Henry Sherwood, Esq.

Thomas Parke, Esq.

M. Burwell, Esq.

M. Burwell, Esq., M.P.P. for the town of London.—Witness has been five times elected to the House of Assembly; was first elected in 1812; represented the counties of Middlesex and Oxford eight years, from 1812 to 1820, when the present representation law passed; was elected one of the members for Middlesex from 1830 to 1834; witness is now a member for the town of London; witness knows nothing about the late election for the county of Oxford but what he has heard from others.

Attended the late election for Middlesex from the beginning to the end of the polling; does not believe that Mr. Duncombe was there; is satisfied that if he had been there, witness would have known it.

The election was held at London; election had been held at St. Thomas several times; had understood that it was first intended to hold the late election at St. Thomas, and that Mr. Givins, who was intended for the returning-officer, had been taken ill at Toronto, and could not return, in consequence of which he had heard that the inhabitants of London and its neighbourhood had applied to have the election held at London; does not believe there was any design on the part of the Executive in fixing London for the place of the election; it is the district town; is of opinion that it would have been at St. Thomas, had it

it not been for Mr. Givins's illness; holding the election at London he is satisfied made no difference in the result; he believes there were 1,309 votes polled, and of those the Radical candidates had a majority of 80; Mr. Wilson was the returning-officer, and a very good one; it was admitted by all the opposing candidates during the whole election that his conduct was very impartial.

The election was quite as peaceable as contested elections usually are; he had seen more of riot where there were not more than fifty persons assembled on ordinary occasions; there were some personal conflicts, but no combination of parties for abusing their opponents; he inquired into the cases which came within his knowledge, and was informed that one was occasioned by a republican damning the King; another by another of that party saying he did not see why the Stars and Stripes would not look as well hoisted upon the Court-house as the Union Jack; and another by a party of republicans getting hold of a Union Jack at the Thames Hotel, dragging it through the mud and tearing it to pieces. Witness saw a piece of the torn flag in the hands of a constitutionalist, who complained to him of the outrage, and was very angry, but witness advised him to keep the peace, and witness believes that all the fighting that occurred was occasioned by the circumstances he has mentioned, and persons defending the conduct of the parties so offending. Witness knows nothing about Orangemen, but he knows that Protestants and Catholics voted for both parties; was told that deeds to the number of 20 or 30 were procured for the settlers in Adelaide a short time before the election, but was informed by Colonel Radcliffe of that township, that the owners of them had been entitled to their deeds a long time before they were obtained; does not believe that any deed was improperly issued by Government on account of the election, nor that any attempt to influence the freeholders in the exercise of their suffrage was resorted to. Witness states that the charges made in Mr. Duncombe's petition against the Rev. Mr. Cronyn, rector of London, as well as that relative to the district officers, are wholly and entirely devoid of truth; Mr. Cronyn was frequently at the election, and when there, was usually in company with witness, who knows from the demeanour and conversation of Mr. Cronyn his great anxiety that no breach of the peace should happen. The attack upon Mr. Cronyn's character was wickedly wanton, and he would mention to the Committee one instance to show that it was so:—Mr. Cronyn and witness were sitting together in the upper part of the booth, and in conversation, and two men began jostling each other about who should go first within the booth to vote. Mr. Cronyn said, "That man will strike;" witness replied, "No." Mr. Cronyn rejoined, "I know him; he has a high temper," and immediately went down and persuaded the man to wait quietly, which he did.

The election for the town of London did not last more than two hours; witness was nominated by a Roman Catholic, whose nomination was seconded by a Protestant; no assault happened, nor was any threatened.

Archibald M'Lean, Esq., M. P. P. for the county of Stormont, has been a member of the Provincial Legislature for 16 years; has been Speaker for four years; was the successful candidate for the county of Stormont at the last general election; is perfectly acquainted with the circumstances which induced the Lieutenant-Governor to send James Fitzgibbon to the eastern district a short time previous to the late general election, and the correspondence he now puts in, marked 1 and 2, fully explains it: that the statement in the petition of Dr. Duncombe that the Clerk of the House of Assembly had been sent down to the eastern district with a sum of money, to influence the late elections, is utterly false and unfounded, and never heard it mentioned until he saw it in the petition of Dr. Duncombe; and that the Clerk of the House never did, to witness's knowledge, in any manner, directly or indirectly, interfere with the election in witness's county; feels confident that none of the magistrates were privy to the canal labourers being brought to the hustings; he believes they came entirely of their own accord; they certainly did not come at his invitation or at his desire. They made a good deal of noise when Dr. Bruce was addressing the freeholders, and he (Mr. M'Lean) endeavoured to restrain them from doing so, and begged of them to remain quiet. *A. M'Lean, Esq.*

C. A. Hagerman, Esq., Solicitor-General of Upper Canada, has been a member of the Provincial Parliament for ten years; now represents the town of Kingston; attended the election for Lennox and Addington; is a native of that county and a freeholder there; attended the last election at the pressing solicitation of a large number of the most respectable freeholders, and was proposed as a candidate, which he declined, having been the week before returned for the town of Kingston; was called upon by the electors to address them, and did so at the close of the poll the first day; voted the following morning for Messrs. Cartwright and Detlor, and left for Toronto in the evening; did not observe any unusual exertions on the part of the electors to insure the return of Messrs. Cartwright and Detlor; it seemed to be admitted by all parties that their return was secure after the first day's polling; voted at no other election than that for Lennox and Addington, although a freeholder and qualified to vote at five other places; might have exercised his right if he had thought it necessary. *C. A. Hagerman, Esq.*

Wesley Richey, Esq., Agent to the Commissioner of Crown Lands, lives at Barric, on Lake Simcoe; took out some deeds for the persons settled in that part of the country, the settlement of which he had been superintending; many of the persons for whom he took out deeds had been on their lands for four years and upwards, and none less than three; that he took out no deeds except he was authorized to do so by the owners of the land; that he distributed the same openly, and without reference for whom the patentees would

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would vote; that he mentioned to the Lieutenant-Governor that the persons who wanted their deeds were entitled to them, and thought they would vote for constitutional candidates; that Sir F. B. Head strictly commanded witness not in any manner to interfere as Government agent, or use any influence his situation gave him at the election, but to hand the deeds openly to them that were entitled to them, which witness did; that out of a number not exceeding 130 patents, which persons residing in the county were entitled to, and which were in witness's possession for them, only about 30 were called for, and only part of that 30 voted. Witness states it was strictly his duty to get out the deeds for such persons as he had settled and were entitled to them; no deed was issued except all the conditions of the grant were complied with. Attended the election at Simcoe; is an Orangeman; there were no bands of organized Orangemen at the election, and if there had been, witness must have known it.

Affidavit of *Thomas C. Street*, a Student at Law with Messrs. *Hagerman & Draper*.

Affidavit of
T. C. Street, Esq.

IN consequence of my father, through a long course of residence in the Niagara district, having become acquainted with a large portion of its inhabitants, and during such residence having acquired some influence with the people, and being myself personally known to many of them, I had reason to think that I might possibly be of service to the Conservative interest, in some of the ridings of that district, during the late general elections, and with that view I determined to proceed to Chippawa, and render such assistance to William Hepburn, Esq., the constitutional candidate for the fourth riding of the county of Lincoln, as was in my power. Immediately on my arrival there, which was not till the Saturday previous to the election, I applied to Mr. Hepburn to know what arrangements he had made for warning his voters at the hustings early on Monday morning, the first day of the election; and being strongly impressed with an idea of the advantages to be derived, in the progress of elections, from having a majority on the first day, we determined personally to give notice to as many of the Conservative electors as our time would admit of, and urge their punctual attendance on the first day of the election. With this object in view, Mr. Hepburn and I left Chippawa together on Saturday evening about five o'clock, and proceeded to Waterloo, a distance of about 16 miles, calling at most of the different houses along the river, and strongly soliciting the electors on no account to fail in their attendance on the first day of the election. On Sunday morning, the following day, Mr. Hepburn and myself, in company as before, left Waterloo, crossed the Limestone Ridge, gave notice to some of the electors in that quarter, and returned by the way of Black Creek; reached Chippawa about four o'clock of the afternoon of the same day. When in the neighbourhood of Black Creek, to the best of my knowledge, we did not speak to more than four or five electors, the names of two of whom only I now recollect; they were, I think, Jacob Fritz and Nelson Haim, at whose house we called. We also stopped at the house of some other elector to solicit his vote, but his name also has escaped my recollection; and I do here positively swear, that I did not, either at Black Creek or at any other place, or on any occasion, state to any of the voters that if they voted for Mr. MacMicking, in a short time their deeds would be taken from them; and I do also positively swear, that I never read or pretended to read to three men named Winger, or to one named Cider, or to any other elector there, from a letter or paper, or any writing whatever, to the effect above stated. I attended at the hustings during the principal part of the first two days, and on the closing of the poll on Tuesday evening I was quite convinced that Mr. MacMicking's return was certain, and that it was useless longer to attempt to overtake his majority; I therefore at once turned my attention to the third riding, and united my exertions with Dr. Lefferty, the constitutional candidate, of whose success in the contest we entertained strong hopes. I did not proceed to Chippawa to lend my feeble assistance in aid of the Conservative interest either at the instance or at the request of Christopher Alexander Hagerman, Esq., or William Henry Draper, Esq., or any other person, but my going was entirely voluntary, and in strict accordance with what I conceived to be the duty of every man on that occasion, who was actuated by loyal and patriotic principles. In conclusion, I do further declare that I have been informed and believe that my father never made or executed any deeds of lands in the said fourth riding, for the estate of the late Honourable Robert Hamilton, and very few indeed either for himself or for any other person.

(signed) *Thomas C. Street*.

Sworn at Toronto, this 7th day of January 1837,
before me, *Robert Stanton*, J. P. Home District.

[See Appendix S.]

Committee-room, House of Assembly, 11 January 1837.

T. Peacocke.

Thomas Peacocke called in and examined.—Lives in the county of Oxford; was poll-clerk at the Oxford election; is sure that no vote was refused by the returning-officer on the ground of not producing a certificate from the registrar of the county of having taken the oath of allegiance, but in many cases the electors were asked if they had obtained a certificate;

certificate; if they said they had, they were allowed to vote; if not, the returning-officer considered he had no authority to receive their votes. Witness was present at the close of the poll, when Dr. Duncombe publicly, in his address to the electors, thanked Mr. Askin, the returning-officer, for his upright and impartial conduct, and declared himself perfectly satisfied with all the proceedings of the election. The election was conducted in a very quiet and orderly manner.

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(26.) A.

Sir,

Toronto, 9 December 1836.

I HAVE understood, since I had the honour of attending before the committee, that the letter or communication to Mr. Hens, mentioned in my evidence, was not from John G. Spragge, Esq., but a Mr. Spragge, who is a land-agent, or is connected with the land-granting department. I respectfully request that this explanation may be added to my evidence.

M. S. Bidwell, Esq.
to A. N. Macnab,
Esq., 9 Dec. 1836.

I have, &c.

Marshall S. Bidwell.

To Allan N. Macnab, Esq., M. P. P.,

Chairman of the Committee on Dr. Duncombe's Petition, &c.

(27.) B.

To John B. Askin, Esq., Returning Officer at the late Election for the County of Oxford.

Sir,

HAVING read an extract from the petition of Charles Duncombe, Esq., to the House of Commons, in which you are charged with gross partiality in the execution of your duty as returning-officer, we feel ourselves called on to make the following declaration on the subject, leaving it optional with you to make whatever use of it you may think expedient.

Documents relating
to returning officer,
J. B. Askin.

At the close of the election Mr. Duncombe addressed the persons present, and declared, "That although he understood you were of different political sentiments, he was compelled in justice to say that your conduct, as returning-officer, had been most gentlemanly and impartial throughout the whole election."

To the truth of this statement, in substance, we pledge ourselves, and we are ready, when called on, to confirm it on oath.

We have, &c.

Henry Vansittart, Rear Admiral.

Henry Vansittart, junior.

William Bettridge, B. D., Rector of Woodstock.

John Hatch, J. P.

W. Lapenotiere.

Earnest Norway.

Spencer Mackay.

Edmund Deeds.

R. H. Place.

P. Graham, J. P., Com. R. N.

H. C. Barwick.

Thomas Lapenotiere.

Woodstock, 30 November 1836.

I, JAMES INGERSOLL, one of the candidates at the last election for the county of Oxford, (to which election allusion is made in Dr. Duncombe's petition to the Honourable the British House of Commons,) do certify that I was present at the hustings nearly all the time that such election continued, and did not hear John B. Askin, Esq., the returning officer, object to any vote on the ground of the voter not *producing* the registrar's certificate of his having subscribed his name and taken the oath of allegiance, but did hear him object to votes where the voter could not say whether he had ever *obtained* such certificate, and in these instances the returning-officer recommended the persons offering to vote to satisfy themselves, by reference to the registrar's office, whether they had complied with the statute in that case, and if so to return to the booth, and that he would accept of their votes.

That no such objection was made, except to persons not being British-born subjects, and domiciled in the Province subsequent to the year 1820, as prescribed by statute 9 Geo. IV. c. 20. And further, that such objection (as well as all others to the eligibility of voters) was made, by the returning-officer, only at the instance of some one of the respective candidates.

That no inquiry was made by the returning-officer as to the political feeling of any voter, but merely as to his right or qualification as an elector, and for what candidate he felt disposed to vote, without proposing any question as to party.

That I was present at the close of said election, and did hear Charles Duncombe, Esq., the petitioner, one of the returned candidates, express in strong terms his perfect approbation of the returning-officer's fair and impartial conduct during the entire progress thereof.

Oxford, December 1, 1836.

James Ingersoll.

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I, THOMAS PEACOCKE, clerk at the last election for the county of Oxford, to J. B. Askin, Esq., the returning-officer upon that occasion, do certify that I was present during the entire period of said election, and that the statements made in the foregoing certificate of James Ingersoll, Esq., are perfectly correct in every particular.

Oxford, December 1, 1836.

Thomas Peacocke.

WE, the undersigned freeholders of the county of Oxford, having been present at the close of the poll at the last election for the said county, as well as at different periods during the progress thereof, do hereby certify to the truth and correctness of the several statements made in the foregoing certificate of James Ingersoll, Esquire.

*Peter Carroll.
James Auston.
George Hay.
Welcome Yale.
David Reynolds.
David Confield.*

*Charles Merigold.
Jacob Chaote.
Robert Cameron.
C. N. Thomas.
David Ernest.
William Carroll.*

*William Merigold.
Silas Williams.
Josiah Elliott.
William L. Carroll.
Boyle Travers.*

(28.) C.

Affidavit of
J. Fitzgibbon, Esq.

(L. S.) City of Toronto, } Personally appeared before me, Thomas D. Morrison, Esquire,
to wit. } Mayor of the said city, James Fitzgibbon, of the said city, Esquire, Clerk of the House of Assembly, who, being duly sworn, deposeth and saith, that his Excellency the Lieutenant-Governor of this Province, did, on the 21st day of November of the present year, transmit to the House of Assembly a message, accompanied by several documents, one of which purported to be a copy of a letter addressed to Lord Glenelg by Charles Duncombe, Esquire, a member of the said Assembly, in which document is a statement in the following words; viz.

“That another sum was placed in the hands of the Clerk of the Assembly, with instructions to go to the eastern district and use that money to the best advantage (no doubt corruptly) for securing the election and return of members who would support the unconstitutional policy of Sir F. B. Head.”

Which statement this deponent saith is wholly untrue, except so far as his having been sent to the eastern district. And he further deposeth and saith, that his mission to Cornwall, in the month of June last, was not in any manner connected with electioneering purposes, but was wholly confined to the object of preserving the King's peace on and near the line of the St. Lawrence Canal during the late elections in the town of Cornwall in the eastern district. That deponent believes he was selected for this duty because he speaks the Irish language, and was formerly employed on a similar mission in another district of this Province, where his efforts were attended with success. That during the conversation which his Excellency was pleased to hold with this deponent on the subject of the duty he was about to confide to him, his Excellency's only object appeared to deponent to be, to have the labourers employed on the St. Lawrence Canal prevented from coming into collision with the electors during the approaching election, without employing His Majesty's troops for the purpose; that his Excellency enjoined it upon deponent not to deliver the arms he was to take from His Majesty's stores in Kingston unless he himself saw an absolute necessity exist for their being employed for the preservation of the peace or the suppression of riot; and that his Excellency wished this deponent not to interfere in any election either in the eastern district or in any other district, or in any place whatever; nor did any other person whomsoever suggest to this deponent any such interference; nor did the idea of interfering with the said elections ever occur to this deponent's mind; and that this deponent, during his stay in Cornwall, did not, either directly or indirectly, interfere with the elections in the said town of Cornwall, or in any other place in Upper Canada, during the said elections, with the exception of giving his own vote at the election in the city of Toronto; and that while waiting at the hustings to give his said vote he assisted the mayor of the city to suppress an incipient riot, although he was and is politically opposed to the said mayor. This deponent adds, that he received before his departure for Cornwall, towards defraying his expenses during his absence, the sum of 30*l.* and no more, and that the document attached hereto by seal is a copy of the instructions delivered to him by his Excellency's civil secretary.

And finally this deponent saith, that he never received money from any person for electioneering purposes, nor did he ever give money or other gratuity, reward or promise of such to any person whomsoever for a vote or promise of a vote at any time or place, or under any circumstances whatever.

And further this deponent saith not.

James Fitzgibbon.

Sworn before me, this 3d day of December 1836,

T. D. Morrison, Mayor.

(Copy.)

(Copy.)

Sir,

Government House, 18 June 1836.

I AM directed by the Lieutenant-Governor, in reference to a communication he had with you this morning, to put you in possession of his Excellency's commands.

You are aware that an apprehension exists on the part of the magistrates in the town of Cornwall and its neighbourhood, that some violent and outrageous proceedings may take place during the ensuing elections on the part of the labourers on the St. Lawrence Canal. His Excellency has been applied to for the purpose of obtaining his authority for the employment of a military force in the neighbourhood, and also for the arming of two regiments of militia, which precaution it was supposed would have the effect of intimidating the evil-disposed without the actual use of arms.

His Excellency, however, is induced to believe, that sufficient grounds do not exist for so serious an apprehension of danger as these measures would imply; but that a judicious and energetic exertion of the civil authority will be equal to the actual emergency. With this object in view, his Excellency desires that without delay you will proceed to Cornwall and put yourself in connexion with Mr. M'Lean and the Honourable Philip Vankoughnett, and any other magistrates of the neighbourhood; and that you will also make it your business to see the canal labourers, from whence the danger seems to be apprehended, to the end that by every means of persuasion in your power you may induce them to refer their quarrel to the legal tribunals of the country; but that you do, if necessary, apprise them that sufficient power exists to enforce the preservation of the King's peace, should they, by their conduct, unhappily make recourse to such force necessary.

If, during your presence in the neighbourhood of Cornwall, you should see an actual necessity for the employment of armed force beyond what may be at the command of the civil authorities, you will in that case deliver into the hands of the magistrates 50 stand of arms and proper ammunition, which you will take with you from His Majesty's stores at Kingston, an order for which accompanies this letter.

You will also procure, during your stay, such information as you may think will be useful to the Government with respect to the propriety and the best manner of organizing a few rifle or volunteer companies in the neighbourhood of Cornwall, to whose keeping arms might in future be properly confided.

In order that you should be enabled to aid and assist in the preservation of the King's peace, I am to inform you that his Excellency has thought proper to appoint you a Justice of the Peace for the eastern district.

I have, &c.

(signed) J. Joseph.

(29.) D.

Old British Coffee House,
6 December 1836.

Sir,

MR. SMITH, my son-in-law, has come down to get me to go to Burford for a short time, and as I have not been home since my return from England, I am convinced that you and the committee will see that I am quite justified in leaving for a few days, notwithstanding my great desire to be present at all proceedings of the committee.

Dr. Duncombe to
A. N. Macnab, Esq.
6 Dec. 1836.

I shall return as soon as my private affairs will allow me to do so.

I have, &c.

A. N. Macnab, Esquire, M. P.
Chairman, Committee, &c.

(signed) Charles Duncombe.

(30.) E.

(Copy.)

Committee Room, House of Assembly,
6 December 1836.

Sir,

THE Committee, of which I am chairman, of course cannot interfere with your private arrangements; but I feel satisfied, that after the time they have devoted to the investigation of the important matter referred to them, it is not to be expected they should delay their proceedings to suit your private convenience.

Reply to the above
note.

The inquiry, so far as they have carried it, has hitherto negatived every one of your charges and allegations, and unless other evidence, calculated to destroy the effect of that already heard, is adduced, the result cannot be otherwise than a report declaring such charges to be unfounded.

Under these circumstances, it is for you to consider the propriety of immediately submitting to the committee that evidence which you state yourself ready to have produced in support of your charges in England.

I have, &c.

(signed) Allan N. Macnab, Chairman.

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(31.) F.

RELATING TO THE REV. B. CRONYN.

Reverend Sir,

London, 17 December 1836.

Document relating
to Rev. B. Cronyn.

WE, whose names are hereunto annexed, feel it to be a duty we owe to you and to your sacred calling, to come forward thus publicly and give an unqualified contradiction to the statements made by Dr. Duncombe, in the petition to the Imperial Parliament, concerning your conduct at the late election.

Having been present throughout the entire period of the election, we unhesitatingly state, that so far from exciting a riot or disorderly conduct by voice, action, or in any other way, you strenuously exerted yourself to promote order and prevent disturbance.

We therefore beg leave to add, that you are at perfect liberty to make whatever use you think proper of this letter, as we shall be ready at any time to corroborate the above statement upon oath.

We have, &c.

*John Harris.**Lawrence Lawrason.**Richard Richardson.**P. H. Hall.**John L. Monsarratt.**Truman Talbot.**John Clives.**G. M. Nickerson.**Fred. Clevely.**T. G. Warren.**John Douglass.**John Stewart.**Edmund Raymond.**George Moore.**Lawrence Lawless.**Francis Algeo.**Edward Matthews.**James McFadder.**Samuel Peters.**John Stuart.**Alonzo Hall.**John Jennings.**John Brown.**Robert Fennel.**Wm. Robertson.**Wm. A. Fork.**Samuel H. Fork.**D. J. Hughes.*

(32.) G.

Sir,

London, U. C., 30 November 1836.

J. Stewart, Esq.
to J. Joseph, Esq.
30 Nov. 1836.

I PERCEIVE you are anxious to know something of a petition which you suppose I carried from the inhabitants of London to his Excellency, in order to have the late election for the county of Middlesex held in this town. I beg to state, that I carried with me no petition to that effect. The evening before I left London, a large meeting was held at one of the principal inns, consisting of all parties in politics, though a decided majority was of that cast commonly called Radical. All were unanimous that London was the most fit and convenient place for holding the election. By that meeting I was requested, as their delegate, to proceed immediately to Toronto, and state to his Excellency their reasons for wishing to remove the election from St. Thomas; and that I might be the better able to perform this part of my mission, a petition, in the handwriting of Edward Allan Talbot, Esq. (which was intended to have been signed by the inhabitants of London and others favourable to the measure, but which had not been presented, and consequently had not one name attached to it), was given to me. It was not of course intended that I should present this; it was merely by way of memorandum to enable me to state verbally to his Excellency a few of the most cogent reasons for having the election in this town. This statement made in the interview which I had the honour of holding with his Excellency, as I had on my way down learned my lesson almost by rote from the petition. I stated that the measure was unconnected with any politics or with any party; that whether the election were held here or at St. Thomas, it would not make a difference of a single vote on either side, as, from the excited feeling of both parties, the county would be raked from one extremity to the other, and every vote polled; that the public convenience was the sole object; that St. Thomas was near the lake shore and almost on the verge of the county; that the electors above that place, being mostly old settlers and in good circumstances, had within themselves conveyance to London, whereas those below London, being mostly poor emigrants, and not long on their lands, could not travel through London to St. Thomas without great inconvenience; that the great bulk of the electors lived around London and within 14 miles of it; that, besides all these considerations, London was the most central town or village in the county, and, being the district town, it had a prior claim. These were some of the reasons I was instructed to assign; and a signed petition containing them was, I believe, drawn up by Dr. Murphy and Mr. Talbot, both thorough-going Radicals. The petition was given me by the latter gentleman, and by both I was first solicited to undertake the task. The removal of the election was not a political measure at all. The public convenience was served by it, though with the inhabitants of this town it was a local, and, in some degree, a selfish object.

I have, &c.

J. Joseph, Esq.,
Civil Secretary of Upper Canada.

(signed) J. Stewart.

(33. H.)

UPPER CANADA: PAPERS RELATING TO SIR F. B. HEAD.

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(33.) H.

SCHEDULE of RETURNING OFFICERS appointed for the General Election of 1834 and for 1836, and the Places where the several Elections were held in those Years.

Towns and Counties.	Returning Officers in 1834.	Returning Officers in 1836.	Elections held in 1834.	Elections held in 1836.
City of Toronto (1) -	John G. Spragge -	Simon Washburn -	Court House -	Court House.
Hamilton Town (2) -	C. Campbell Ferrie -	Peter H. Hamilton -	- ditto -	- ditto.
Niagara -	Warren Claus -	Warren Claus -	- ditto -	- ditto.
Kingston -	David John Smith -	David John Smith -	- ditto -	- ditto.
Brockville -	Adiel Sherwood -	Adiel Sherwood -	- ditto -	- ditto.
Cornwall -	Guy C. Wood -	Guy C. Wood -	- ditto -	- ditto.
Glengarry County -	George Anderson -	George Anderson -	Williamstown -	Williamstown.
Prescott (3) -	Richard P. Hotham -	Thomas H. Johnston -	Usual Place -	Usual Place.
Russell (4) -	Simon Fraser -	Charles P. Treadwell -	New Edinbro' -	New Edinbro'.
Stormont -	James Pringle -	James Pringle -	Cornwall -	Cornwall.
Dundas (5) -	Albert French -	James M'Donell -	Usual Place -	Usual Place.
Grenville -	John Patten -	John L. Reid -	Merrickville -	Merrickville.
Leeds (6) -	Adiel Sherwood -	Joseph R. Hartwell -	Beverly -	Beverly.
Carleton -	Charles Sache -	Charles Sache -	{Bradley's Inn, 12 con. Goulburne -}	Bradley's Inn, 12 con. Goulburne.
Lanark (7) -	John H. Powell -	Alex. Fraser -	Perth -	Perth.
Frontenac -	John M'Lean -	John M'Lean -	Kingston -	Kingston.
Hastings -	Anth. Marshall -	Anth. Marshall -	Belleville -	Bellville.
Lennox and Addington -	Wm. J. M'Kay -	Wm. J. M'Kay -	Bath -	Bath.
Prince Edward -	Richard Bullock -	Richard Bullock -	Picton -	Picton.
Northumberland (8) -	Henry Ruttan -	Robert Bouchier -	{Cleghorn's Inn, Rice Lake -}	Cleghorn's Inn, Rice Lake.
Durham -	William Banks -	Wm. Banks -	Graham's Inn, Cavan -	Graham's Inn, Cavan.
York, 1st Riding (9) -	Benj. Thorne -	Wm. Crookshanks -	Thornhill -	Thornhill.
York, 2d Riding -	Wm. Hepburne -	Wm. Hepburne -	Streetsville -	Streetsville.
York, 3d Riding (10) -	Francis Leys -	Allen M'Lean -	Post's Inn, Pickering -	Post's Inn, Pickering.
York, 4th Riding -	Thomas Henderson -	Thomas Henderson -	Newmarket -	Newmarket.
Simcoe (11) -	George Lount -	Thomas Collier -	Beverly Mills -	Beverly Mills.
Lincoln, 1st Riding (12) -	Alex. M'Donell -	Henry Nelles -	Grimsby -	Grimsby.
Lincoln, 2d Riding (13) -	Alex. Wilkinson -	Robert Easton Burns -	St. Catherine's -	St. Catherine's.
Lincoln, 3d Riding -	Alex. Hamilton -	Alex. Hamilton -	Stamford -	Stamford.
Lincoln, 4th Riding (14) -	Alex. Stuart -	John Usher -	Willoughby -	Willoughby.
Haldimand -	Francis Webster -	Francis Webster -	Dunnville -	Dunnville.
Wentworth -	Wm. M'Kay -	Wm. M. Jervis -	Hamilton -	Hamilton.
Halton -	Wm. M. Jarvis -	Wm. J. Kerr -	Nelson -	Nelson.
Middlesex (15) -	James Givens -	John Wilson (16) -	St. Thomas -	London.
Oxford -	Abm. A. Rapelgie -	John B. Askin -	Martin's Inn -	Martin's Inn.
Norfolk (17) -	James Ingersoll -	Abm. A. Rapelgie -	Simcoe -	Simcoe.
Kent -	George Kerby -	George Kerby -	Chatham -	Chatham.
Essex -	Ebez. Reynolds -	Ebez. Reynolds -	Sandwich -	Sandwich.
Huron -	Henry Hyndman -	Henry Hyndman -	Goderich -	Goderich.
Town of London, 1836, first entitled to mem- ber -	- - -	John Stuart -	- - -	London.

Samuel P. Jarvis, Clerk Crown, Chancery.

(1) Mr. Spragge was re-appointed in 1836, but it was found that he was absent on a visit to some part of the United States, and his return was uncertain; Mr. W. was therefore appointed in his place.

(2) Colin C. Ferrie was re-appointed. He returned his warrant, being a candidate for the town of Hamilton, for which he is now the representative in the present House of Assembly.

(3) Richard P. Hotham was re-appointed, but being a candidate for the county of Prescott, which he now represents, his commission was cancelled.

(4) Simon Fraser was re-appointed. Information being sent to the Lieutenant-Governor that this gentleman was absent from the Province on private business, his appointment was cancelled.

(5) Albert French died in the beginning of the year 1836.

(6) Adiel Sherwood, appointed returning-officer for the town of Brockville.

(7) John A. H. Powell was appointed, but being a candidate for the county of Lanark, which he now represents, his commission was cancelled.

(8) Henry Ruttan was appointed, but being a candidate for the county of Northumberland, which he now represents, his commission cancelled.

(9) Benjamin Thorne was again appointed, but being a candidate for the first riding of York, his appointment cancelled.

(10) Francis Leys was again appointed, but being a candidate for the third riding of York, his appointment cancelled.

(11) George Lount; charges of partiality at the election of 1824 rendered it inexpedient to re-appoint this gentleman; he is brother to the late member, who was again a candidate at the last election.

(12) Alex. M'Donell was re-appointed in 1836, but declined serving, as it was his intention to offer himself a candidate for Glengarry, in the eastern district.

(13) Alex. Wilkinson, Esq., removed to the eastern district.

(14) Alex. Stuart was again appointed, but being a candidate for the town of Niagara, declined to act as returning-officer for the fourth riding of Lincoln.

(15) James Givens was re-appointed, but was taken ill on his way to Toronto; he was one of a deputation

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deputation to wait on his Excellency the Lieutenant-Governor with an address from the district of London.

(16) The place for holding the election for the county of Middlesex was changed from St. Thomas to the county-town of London in consequence of representations made to the Lieutenant-Governor of the great inconvenience of the former place, its situation being at the southern extremity of the county.

(17) James Ingersoll was re-appointed in 1836, but his appointment cancelled at his request, he becoming a candidate for the county of Norfolk.

(34.) I.

Secretary's Office, Toronto,
28 March 1836.

Sir,

D. Cameron, Esq.
to J. Joseph, Esq.
28 March 1836,
with Statement.

IN obedience to the commands of his Excellency the Lieutenant-Governor, signified in your letter of the 19th instant, I have the honour to transmit herewith a statement of the progressive increase of work in this office during the last ten years, from the 1st January 1826 to the 31st December 1835, to which I have taken the liberty to add a statement of the number of patents already completed and to be completed since the 1st of January last.

I have endeavoured to make this statement as clear as possible, and I trust that his Excellency will not think me unreasonable in suggesting that two assistants, in addition to one hitherto allowed, will not be more than equal to the performance of the office in a manner satisfactory to his Excellency and the public.

I have the honour to be, &c.

(signed) D. Cameron,
Secretary and Registrar.

To John Joseph, Esq.

ABSTRACT of WORK and DUTIES performed in the Office of the Secretary and Registrar of the Province of *Upper Canada*, for the period of Ten Years, viz. from the year 1826 to the year 1835, both inclusive.

—	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.
Land Patents, including Clergy Leases, which passed the Great Seal	783	722	1,153	564	703	838	978	1,008	1,476	1,795
Proclamations, Special Grants, and other special instruments.	58	73	60	69	83	63	56	62	82	109
Writs, &c., for General Elections.	- -	- -	111	- -	114	- -	- -	- -	114	13

These patents, &c., after passing the Great Seal, are registered in full, and being indorsed, are then entered in a book of reference or general index, alphabetically, showing at a glance the name of the grantee, the date of the patent, the number of acres granted, the lot, the concession, the township and district wherein the land is situated, to whom the patent issued, and the year it was taken from the office.

Besides the labour in completing the various grants of land and other public instruments above enumerated, much of the time of the secretary and his deputy is consumed in making searches and answering queries. The office of secretary and registrar being the only one of record as regards the granting of lands and all other matters where the Great Seal is required to give them effect, it follows that constant references for information must be made to that office by the persons interested.

The surrender of patents for land or other grants, after such surrender has been accepted by the Crown, is transmitted to the secretary and registrar, to be entered on the margin of the registry of such instruments. This duty, although trifling in comparison with other duties of the office, has of late years much increased.

By a provincial statute, which received the royal assent in 1828, commonly called "The Naturalization Act," it has become the duty of the secretary and registrar to keep a general index or registry of the names, places of abode, &c. &c. &c., of all persons who may think proper to avail themselves of the provisions of that statute.

The Blue Book, which, previous to the year 1832, was prepared in the Lieutenant-Governor's office, was in that year transferred to, and its compilation made part of the duty of the Secretary of the Province. This book is required in triplicate, and fully occupies the time of one person for at least three months in the year.

The Acts of the Provincial Parliament which receive the royal assent, or which may be reserved for the signification of His Majesty's pleasure thereon, are deposited in the office of the Secretary of the Province: an ingrossed copy of them on parchment is annually prepared by the secretary, and transmitted to the Secretary of State for the Colonies with the least possible delay after the prorogation of each session. A second copy for publication

by

by authority is prepared with like expedition for His Majesty's provincial printer. This duty has of late years much increased, and may be seen by the following scale :—

YEAR - -	1826.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.
Acts passed in the Provincial Parliament - }	31	30	21	25	36	27	35	61	61	49
Two copies prepared by the Secretary, No. of folios - - - }	620	564	416	699	628	1,060	920	1,972	2,640	1,234

In addition to this particular service, copies of many Bills are annually required at the end of each session, by the Lieutenant-Governor, the Receiver-General, and the Inspector-General, to enable them to carry the provisions of such Acts into immediate effect.

Returns on particular subjects are not unfrequently called for in some instances by the Commons of Great Britain, and in others by the House of Assembly of this Province, the preparation of which occupies much time.

In the year 1824, a return relating to the Land Granting Department was required by the Commons of England, and the constant labour of one person for five weeks was necessary to comply with the requisition.

Secretary's Office, 26 March 1835.

(signed) D. Cameron,
Secretary and Registrar.

SCHEDULE showing the INCREASE in the Land Granting Department since January 1836.

Total number of Descriptions received by the Secretary, from 1st January to 26th March 1836	-	-	-	-	-	-	-	-	-	1,094
The number of Patents completed in that period	-	-	-	-	-	-	-	524		
Unfinished in the office requiring registry, &c.	-	-	-	-	-	-	-	200		
Descriptions in the office unacted upon	-	-	-	-	-	-	-	370		
Besides a number of Fiats for special Grants, &c. unacted upon.								1,094	1,094	

(35.) I. (1.)

Clerk of the Crown in Chancery Office,
Toronto, 20 December 1836.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 19th instant, enclosing a copy of an address from the House of Assembly to his Excellency the Lieutenant-Governor, and requesting me to furnish the Executive Council with any information in my possession on the subject matter of the address.

In reply I beg leave to state, that immediately after the dissolution of the late Provincial Parliament, on the 28th day of May, I was directed by the Lieutenant-Governor to prepare with as little delay as possible writs for a general election throughout the Province. This order was promptly obeyed, and the writs were transmitted in the usual way to the respective returning-officers; no other instructions on the subject were communicated to me by his Excellency the Lieutenant-Governor, except a verbal expression of his desire that I would adhere as strictly as possible to the practice heretofore observed on similar occasions.

With reference to that part of the address which relates to patents for land completed in the period between the dissolution of Parliament and the return day of the writs of election, the Secretary of the province having been called upon to report officially on the subject, it is unnecessary for me to enter into detail. I cannot, however, avoid saying, that I am not aware of any unusual steps being resorted to in facilitating their completion, further than employing the services of two additional clerks; nor am I aware that any fees on land patents were remitted, or any condition to which the patents were subject dispensed with, either by his Excellency the Lieutenant-Governor, or by any person under his authority.

The address requires his Excellency to inform the House of Assembly "what number of patents (if any) were returned since the general election." (I refer to the Secretary's Office.)

This paragraph having reference to an act of my own, in the capacity of Deputy Secretary and Registrar, I beg to observe, that a short time previous to the election for the county of Simcoe, I selected from the shelves of the Secretary's Office, every patent for land, situate in that county, and took upon myself the responsibility of transmitting them to the place where the election was appointed to be held, to be issued to the respective grantees by a Mr. Ritchie, a resident Government agent and surveyor; my motive for assuming this responsibility was briefly as follows :—

As soon as it became generally known that a new election was at hand, the Secretary's Office became daily thronged with persons from a distance, or who demanded their patents to enable them to exercise the elective franchise. So great was the interruption to the business of the office, occasioned by those persons, that for many days little else could be attended to besides making searches and answering inquiries relating to patents completed and being completed. To obviate this difficulty, I collected all that were finished

S. P. Jarvis, Esq.
to J. Beikie, Esq.
20 Dec. 1836.

Appendix to
Report to House
of Assembly.

for the county of Simcoe (and some of them had been completed ten or fifteen years before, but not called for by the grantees), and transmitted them as I have before stated, and I afterwards continued from time to time to transmit others as they became perfected.

The number forwarded in this manner was 303, of which 170 were afterwards returned to the Secretary's Office, it having been ascertained that the grantees did not reside within the county of Simcoe.

On referring to the poll-book for the county of Simcoe, I find that of the 133 patents which were delivered to the grantees by Mr. Ritchie, only eighteen of them gave in their votes at the late election.

With respect to that part of the address relating to communications made to any officers of Government by any persons in authority, and bearing upon the late general elections, I would remark, that, in my correspondence with the several returning-officers, the instructions communicated to them by me did not deviate or vary in the slightest degree, either in form or in substance, from those always transmitted with the writ, since I have had the honour to hold the office of Clerk of the Crown in Chancery, and which has been since the 17th March 1817. The accompanying printed form and short letter of instructions may perhaps afford a satisfactory explanation.

The letter of the Clerk of the Executive Council requiring me to state any information in my possession on the subject matter of the address, I shall here notice the course adopted in the nomination of returning-officers for the last general election. This power is vested in the Lieutenant-Governor by an Act of the Provincial Legislature, and has always heretofore been exercised by the Lieutenant-Governor for the time being, until the period of the last election. In this instance I was ordered by the Lieutenant-Governor to attend the Executive Council for the purpose of affording information on the subject. The persons who were afterwards commissioned to act as returning-officers for the several counties and towns throughout the Province were nominated by the Executive Council in my presence, and in almost every instance the same persons were recommended and were re-appointed who had acted in that capacity in the year 1834.

I have, &c.

Samuel P. Jarvis,
Clerk Crown, Chancery.

To John Beikie, Esq., &c.

(35.) I. (2.)

MEMORANDUM of PATENTS completed between the 28th May and 2d July 1836, for Town Lots in the Village of Port Credit, and showing which of the Patentees voted at the Election of the Second Riding, County of York, in 1836.

Names of Grantees.	Acres.	Villages.	Remarks.
Alexander Dixon -	One-fourth - -	Port Credit.	Voted second riding York.
George Gurnett - -	One-fourth - -	"	
Anthony B. Hawke -	One-fourth - -	"	
John King - - -	One-fourth - -	"	Voted second riding York.
George Monro - -	One-fourth - -	"	Voted second riding York.
John Powell - -	One-fourth - -	"	Voted second riding York.
George Walton - -	23,675 square links	"	

Samuel P. Jarvis,
Clerk Crown, Chancery.

Of the 150 patents completed from orders in Council issued under the administration of Sir F. B. Head, from the 20th April 1836, the day of the prorogation of Parliament, to the 2d July 1836, the return day of the writs for a new Parliament, but one* of the patentees voted at the election for the second riding for the county of York, with the exception of the five persons above mentioned, who voted on town lots in the village of Port Credit.

* Patrick Missett.

Samuel P. Jarvis.

(36.) J.

LETTER from the Secretary and Registrar, with a RETURN of PATENTS from 20th April to the close of the Election.

Sir,

Secretary's Office, 12 December 1836.

D. Cameron, Esq.
to J. Beikie, Esq.
enclosing Return of
Patents.

IN compliance with your letter of this date, I have the honour to enclose, for the information of the Honourable the Executive Council, a return containing all the intelligence the records of this office can furnish in reply to certain inquiries contained in an address of the House of Assembly to his Excellency the Lieutenant-Governor.

I beg to state that all patents for land, completed since the 15th February last, have wanted the description, excepting in cases where lands granted have been broken lots, or when the grantee has requested to have the boundaries inserted in the patent. The alteration of the form of the patent was made by the Crown Officers, and communicated to this office on the 15th February last, by the Attorney-General.

I have, &c.

D. Cameron,
Secretary and Registrar.

John Beikie, Esq., &c.

UPPER CANADA.

RETURN of all PATENTS for LAND which have passed the GREAT SEAL, between the Prorogation of Parliament on the 20th of April 1836, and the close of the Election on the 2d of July next ensuing; prepared in compliance with an Address of the House of Assembly to that effect.

1,478 PATENTS.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Anderson, Daniel -	12 Mar. 1833	1836.	- - - W. $\frac{1}{2}$ 6	10	100	Belmont -	Newcastle -	Discharged soldier.
Asskinak, Jean Bap't.	27 Oct. 1832	Apr. 21 May 20	- - - - 1	11	200	Tay -	Home -	- - Reduced inspector, Indian depot.
Adams, Elizabeth -	11 Jan. 1834	"	- - - - 2	2	-	Pembroke -	Johnstown -	D. U. E.
Adams, John -	18 July 1834	"	- - - - 1	2	-	ditto -	ditto -	S. U. E.
Alquin, Daniel -	3 Dec. 1835	- 24	- N. $\frac{1}{2}$ 37, N. $\frac{1}{2}$ 12	9, 2	-	Nottawasaga -	Home -	ditto.
Abrahams, Henry -	7 Aug. 1834	"	- - - - 26	5	-	ditto -	ditto -	ditto.
Archer, William -	23 July 1832	"	- - - - 69	E. P. Rd.	100	Medonte -	ditto -	Discharged soldier.
Augusta, Jacob, jun.	18 Oct. 1796	"	- - - - N. $\frac{1}{2}$ 6	3	-	Collingwood -	ditto -	S. U. E.
Alquin, David -	28 Oct. 1835	"	- N. $\frac{1}{4}$ 19, S. $\frac{1}{4}$ 27	2, 4	200	Nottawasaga -	ditto -	ditto.
Ansley, Hannah -	16 May 1818	"	- - - - 5	5	-	Collingwood -	ditto -	ditto.
Adams, Ezra, jun.	28 Sept. 1820	"	- - - - 20	2	-	Nottawasaga -	ditto -	ditto.
Armitage, Mark -	4 Oct. 1832	"	- - - - E. $\frac{1}{4}$ 6	3	100	Verulam -	Newcastle	Discharged soldier.
Anderson, William -	19 Jan. 1820	"	- - - - N. $\frac{1}{4}$ 9	5	-	Collingwood -	Home -	Militia claimant.
Abbot, George -	19 Jan. 1820	"	- - - - W. $\frac{1}{2}$ 24	1	-	Marmora -	Midland -	ditto.
Anderson, Andrew -	4 May 1836	- 25	- 113 T. Road, E.	- -	200	Bayham -	London -	S. U. E.
Abraham, Jonas -	5 Sept. 1833	"	- - - - 30	7	-	Verulam -	Newcastle	ditto.
Allan, James -	28 Nov. 1835	- 30	- - - - E. $\frac{1}{2}$ 19	10	100	Huntley -	Bathurst -	- - Located by Hon. P. Robinson.
Anderson, Thomas B.	7 Dec. 1830	- 26	7 S. S. Water-street	- -	$\frac{1}{2}$	Cornwall -	Eastern -	Crown sale, 10 l.
Armstrong, Thomas	28 Nov. 1835	- 30	- - - - E. $\frac{1}{2}$ 8	11	100	Ramsay -	Bathurst -	- - Located by Hon. P. Robinson.
Arwison, Gustavus -	19 Jan. 1820	June 1	- 22, 23, 24, 28	4, 11	800	Moore -	Western -	- - As master of a Government transport.
Armstrong, Robert -	28 Nov. 1835	"	- - - - W. $\frac{1}{2}$ 7	12	100	Ramsay -	Bathurst -	- - Located by Hon. P. Robinson.
Adams, John -	6 Apr. 1836	Jan. 3	- - - - 12, 13	S. Gore	-	Malahide -	London -	- - Located by Colonel Talbot.
Arnold, Christopher	7 Dec. 1830	June 3	20 S. S. Gad-street	- -	1	Chatham -	ditto -	Crown sale, 6 l.
Amos, Thomas -	28 Nov. 1821	- 10	- - - - N. $\frac{1}{2}$ 3	11	100	Maripossa -	Newcastle	- - Full fees, settlement duly performed.
Arthur, John -	20 Oct. 1832	- 10	- - - - N. $\frac{1}{2}$ 13	8	-	Innisfil -	Home -	Discharged soldier.
Andrews, Richard -	12 May 1836	- 11	- - - - N. $\frac{1}{2}$ 8	5	-	Smith -	Newcastle	- - Located by Hon. P. Robinson.
Armstrong, James -	1 Nov. 1824	- 13	- - - - E. $\frac{1}{2}$ 21	11	-	Pakenham -	Bathurst -	- - Fees paid, settlement duly performed.
Aurey, John -	19 Jan. 1820	"	- - - - W. $\frac{1}{4}$ 23	5	-	Esquesing -	Gore -	Militia claimant.
Armstrong, Blythe -	24 Oct. 1831	"	- - - - W. $\frac{1}{4}$ 4	9	-	Eldon -	Newcastle	Discharged soldier.
Allibone, George -	9 June 1836	- 14	- - - - E. $\frac{1}{4}$ 9	8	-	Medonte -	Home -	- ditto.
Anderson, George -	2 Feb. 1819	"	6 S. S. Front-street	- -	1	Cornwall -	Eastern -	- - Full fees, settlement duly performed.
Anderson, John -	6 Sept. 1832	- 15	- N. $\frac{1}{2}$ 19, S. $\frac{1}{2}$ 13	2, 13	200	Innisfil -	Home -	- - Discharged sergeant, 79th regiment.
Amiotte, Cuthbert -	28 Feb. 1835	"	- - - - S. $\frac{1}{2}$ 16, 17	15	-	Tiny -	ditto -	- - Discharged artificer, dock-yard, Kingston.
Arthurs, John -	26 Aug. 1834	"	- - - - 24, 25	1, 2	300	Adelaide -	London -	- - Discharged sergeant-major, 69th regiment.
Atkinson, William -	2 July 1835	- 17	- - - - W. $\frac{1}{2}$ 45	5	200	Mulmer -	Home -	- - Full fees, settlement duly performed.
Armstrong, James -	30 June 1819	- 18	- - - - 25	4	-	Esquesing -	Gore -	S. U. E.
Ault, Nicholas -	19 Jan. 1820	"	- - - - E. $\frac{1}{4}$ 4	5	100	Madoc -	Midland -	Militia claimant.
Ansely, Daniel -	19 Jan. 1820	- 20	- - - - 5	3	200	Enniskillen -	Western -	- - Sergeant, flank company.
Askin, Charles -	7 Dec. 1830	- 23	- 26 East side Bedford-street.	- -	1	Sandwich -	ditto -	Crown sale, 7 l. 10 s.
Anderson, Adam -	20 Oct. 1819	- 24	- - - - E. $\frac{1}{2}$ 12	9	100	Trafalgar -	Gore -	- - Full fees, settlement duly performed.
Adams, Ezra -	1 Oct. 1823	- 28	- - - - 29	4	200	Esquesing -	ditto -	- ditto.
Blackley, James -	24 Mar. 1836	Apr. 22	- - - - W. $\frac{1}{2}$ 17	10	100	Dummer -	Newcastle	Discharged soldier.
Barkey, Anne -	18 Aug. 1824	"	- E. $\frac{1}{2}$ 12, W. $\frac{1}{2}$ 12	4	200	Belmont -	ditto -	D. U. E.
Bettridge, Rev. Wm.	27 Nov. 1834	- 25	- Broken 3	12	15	Zorra -	London -	Free.
Bettridge, Rev. Wm.	27 Nov. 1834	"	{ S. W. part 6 - } { N. W. part 6 - } { N. part of S. $\frac{1}{4}$ of 20 - - - }	1	154	Blandford -	ditto -	Free.
Barry, Thomas -	27 May 1833	- 29	- Broken 15 -	3	-	-	-	-
Boyce, David -	19 Jan. 1820	May 18	- E. $\frac{1}{2}$ 19, W. $\frac{1}{2}$ 19	11	200	Vespra -	Home -	Free.
Bradshaw, George -	1 May 1834	"	- - - - E. $\frac{1}{2}$ 8	8	100	Plympton -	Western -	Militia.
Briscoe, Adam Jehiel	28 Oct. 1833	"	- - - - 1	2	200	Sarnia -	ditto -	S. U. E.
Burley, Cornelius -	19 Jan. 1820	- 24	- - - - 6	3	-	ditto -	ditto -	ditto.
Barlow, Michael -	19 Mar. 1836	"	- - - - 3	9	100	Madoc -	Midland -	Militia.
Boyce, Theophilus -	2 Oct. 1834	"	S. W. $\frac{1}{4}$ 9, S. E. $\frac{1}{4}$ 9	9	-	Ops -	Newcastle	Discharged soldier.
Babcock, William -	28 Feb. 1835	"	- - - - 5	4	200	Enniskillen -	Western -	S. U. E.
Babcock, Samuel -	28 Feb. 1835	"	- - - - 14	3	-	Collingwood	Home -	ditto.
Breakenridge, Robert	8 Nov. 1832	"	- - - - 14	2	-	ditto -	ditto -	ditto.
Burton, Mallory -	2 Oct. 1834	"	- - - - 25	1	-	Warwick -	Western -	ditto.
Buckhannan, Eliz.	8 Dec. 1832	"	- - - - 8	7	-	Nottawasaga	Home -	Free.
Barrie, William -	23 Dec. 1835	"	- - - - 13	5	100	Enniskillen	Western -	D. U. E.
Ball, Belnap -	29 Sept. 1834	"	- - - - 21	6	200	Dalhousie -	Bathurst	As emigrant.
Bell, Agnes -	27 Nov. 1834	"	- - - - 5	5	-	Enniskillen	Western -	S. U. E.
						ditto -	ditto -	D. U. E.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
1836:								
Barrett, Joseph	19 Jan. 1820	May 24	- - W. $\frac{1}{2}$ 13	12	100	Brooke	Western	Militia.
Bellinger, Rachael	27 June 1833	"	- - N. $\frac{1}{2}$ 26, 27	5	200	Plympton	ditto	D. U. E.
Bingham, Ann Maria	28 Oct. 1835	"	- - - 18	10	-	Enniskillen	ditto	ditto.
Babcock, John	28 Feb. 1835	"	- - - 7	4	-	Collingwood	Home	S. U. E.
Bartlett, Catherine	6 Dec. 1832	- 25	{-- 10 E't or Lake-street, W. $\frac{1}{2}$ 11.	10	100	Plympton	Western	D. U. E.
Bulliss, Daniel	19 Jan. 1836	"	- - N. $\frac{1}{2}$ 6	2	-	Nottawasaga	Home	Militia.
Barger, Andrew	19 Jan. 1820	"	- - E. $\frac{1}{2}$ 13	7	-	Plympton	Western	ditto.
Brown, Heman	19 Jan. 1820	"	- - S. $\frac{1}{2}$ 6	2	-	Nottawasaga	Home	ditto.
Ditto	4 July 1817	"	- - - 5	2	200	ditto	ditto	S. U. E.
Brown, Ruth	3 Mar. 1836	"	- - - 33	4	-	ditto	ditto	D. U. E.
Brouse, Nicholas	27 June 1833	"	{-- Broken 5, 6 S. E. part 4, S. E. part 6.	10 9	-	Tilbury, East	Western	S. U. E.
Babcock, Sarah	4 Sept. 1835	"	19, and N. part 18	-- East of Muskrat-lake.	-	Westmeath	Bathurst	D. U. E.
Bourque, Jacques	7 Dec. 1830	- 26	- - - 22	Front	100	Moore	Western	Crown land sale.
Boyd, Jacob	19 Jan. 1820	"	- - E. $\frac{1}{2}$ 32	6	-	Ernmosa	Gore	Militia.
Boyd, Andrew	"	"	-- S. $\frac{1}{2}$ 24, W. Communication-road.	3	-	Harwich	Western	ditto.
Bostwick, Gideon	"	"	- - E. $\frac{1}{2}$ 4	11	-	Moore	ditto	ditto.
Bremner, John	19 Mar. 1836	"	-- S. $\frac{1}{2}$ 7, Penetanguishene-road.	-	-	Medonte	Home	Discharged soldier.
Bowan, Thomas	4 Feb. 1836	"	- - E. $\frac{1}{2}$ 7	8	-	ditto	ditto	- ditto.
Bell, Daniel Frazer	27 Nov. 1834	"	- - - 1	6	200	Collingwood	ditto	S. U. E.
Booth, Harriet	4 July 1833	"	- - - 8	1	-	Nottawasaga	ditto	D. U. E.
Booth, Char. Andrew	"	"	- - - 9	1	-	ditto	ditto	S. U. E.
Barnhart, Charles	28 Feb. 1835	"	- - - 8	6	-	Enniskillen	Western	ditto.
Bell, Magdalen	4 Dec. 1834	"	- - - 21	3	-	ditto	ditto	D. U. E.
Buck, George	20 Oct. 1832	"	- - - 21	4	-	Collingwood	Home	Free.
Baxter, Malinda	28 Oct. 1835	"	- - N. $\frac{1}{2}$ 26, 27	12	-	Sombra	Western	D. U. E.
Bowden, James	7 July 1831	"	-- S. $\frac{1}{2}$ 80 W. Penetanguishene-road.	-	100	Tiny	Home	Discharged soldier.
Butcher, Joseph	21 June 1832	"	- - W. $\frac{1}{2}$ 8, E. $\frac{1}{2}$ 8	12, 12	200	Medonte	ditto	ditto.
Buchner, Cornelius	6 Nov. 1834	"	- - - 32	2	-	Nottawasaga	ditto	Free.
Booth, William	6 Oct. 1831	"	- - S. $\frac{1}{2}$ 14	10	100	Immisil	ditto	Discharged soldier.
Bell, Margaret	5 Feb. 1835	"	- - S. $\frac{1}{2}$ 5, N. $\frac{1}{2}$ 5	5	200	Sombra	Western	D. U. E.
Bogert, David D.	15 Dec. 1832	"	-- 36 and 37, E. side Baldoon-street.	-	-	Dover	ditto	S. U. E.
Belknap, Eleanor	30 Dec. 1819	"	-- E. $\frac{1}{2}$ 26, N. $\frac{1}{2}$ 26 W. H. st.	4	-	Caledon	Home	D. U. E.
Bink, Joseph	19 Jan. 1820	- 27	- - S. $\frac{1}{2}$ 25	6	100	Collingwood	ditto	Militia.
Beauport, Constantine	"	"	- - N. $\frac{1}{2}$ 2	5	-	Chatham	Western	ditto.
Bell, Edward C.	"	"	- - - 23	8	200	Collingwood	Home	S. U. E.
Babcock, Belnap	27 Nov. 1834	"	- - - 24	5	-	Enniskillen	Western	ditto.
Bowman, George A.	8 Dec. 1835	"	- - - 35	8	-	Nottawasaga	Home	ditto.
Bowman, A., younger	7 Dec. 1835	"	- - - 37	10	-	ditto	ditto	ditto.
Bowman, Jacob	8 Dec. 1835	"	- - - 31	6	-	ditto	ditto	ditto.
Bowman, Philip	"	"	- - - 33	6	-	ditto	ditto	ditto.
Boice, Zaccariah	4 Sept. 1834	"	- - - 24	4	-	Enniskillen	Western	ditto.
Boice, Nicholas	"	"	- - - 24	1	-	ditto	ditto	ditto.
Bristnathan, T. } younger	28 Nov. 1835	- 28	- - - 20	10	100	Huntley	Bathurst	{-- Emigrants, located by Hon. P. Robinson.
Bristnathan, T., elder	"	"	- - W. $\frac{1}{2}$ 21	9	-	ditto	ditto	
Boyle, Thomas	"	"	-- N. W. $\frac{1}{4}$ 24, S. W. $\frac{1}{4}$ 25.	10	-	ditto	ditto	
Barton, Joseph	19 Jan. 1820	- 30	- - S. $\frac{1}{2}$ 47	11	-	Nottawasaga	Home	Militia.
Bundage, Joseph	"	"	- - N. $\frac{1}{2}$ 47	11	-	ditto	ditto	ditto.
Barnhart, Samuel	"	"	- - W. $\frac{1}{2}$ 14	7	-	Belmont	Newcastle	ditto.
Bradshaw, James	"	"	- - E. $\frac{1}{2}$ 14	2	-	ditto	ditto	ditto.
Buckley, Timothy	28 Nov. 1835	"	- - E. $\frac{1}{2}$ 12	6	-	Ramsay	Bathurst	{-- Emigrants, located by Hon. P. Robinson.
Buckley, James	"	"	- - W. $\frac{1}{2}$ 1	12	80	Goulburn	ditto	
Berry, John	"	"	- - W. $\frac{1}{2}$ 6	6	100	ditto	ditto	
Benson, John	"	"	- - E. $\frac{1}{2}$ 7	10	-	Ramsay	ditto	Militia.
Berkley, Gaspar	19 Jan. 1820	- 31	- - N. $\frac{1}{2}$ 30	11	-	Nottawasaga	Home	
Bettridge, Rev. Wm.	27 Nov. 1834	"	-- 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, west of Givens-street; and 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, east of Yeo-street; and 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, west side of Yeo-street; and 1, 2, 3, 4, 5, 6 and 7, east side of Beasley-street.	29	-	-- Town of Woodstock,	London	Free.
Buckley, Timothy	28 Nov. 1835	"	- - W. $\frac{1}{2}$ 2	10	100	Goulburn	Bathurst	-- Emigrant, located by Hon. P. Robinson.
Bradshaw, James	4 Oct. 1832	"	- - E. $\frac{1}{2}$ 7	3	-	Verulam	Newcastle	Discharged soldier.
Banks, Daniel	7 Dec. 1830	June 1	- - W. $\frac{1}{2}$ 7	5	-	Oro	Home	Crown land sale.
Bulliss, Richard	19 Jan. 1820	"	- - S. $\frac{1}{2}$ 31	4	-	Nottawasaga	ditto	Militia.
Beatty, James	7 Dec. 1830	- 3	-- 20 and 21, E. of Bedford-street; 20 and 21, W. of Bedford-street.	-	4	Sandwich	Western	Crown land sale.
Blott, James	"	"	- - 1 and 2	4 South	205	Dunn	Ningara	ditto.
Burnham, Oliver	"	"	- - E. part 19	3	37	-- N. of Grand Riv. Cayuga.	ditto	ditto.
Browning, Thomas	"	"	- - 43 and 44, S. side of Colborne-street; and 4 and 5 N. side of Northumberland-street.	-	100,000 square links.	-- Town of Brantford.	Gore	ditto.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Bolton, Mercy	21 Feb. 1821	1836: June 1	- S. $\frac{1}{2}$'s 17, 18	11	200	Sombra	Western	D. U. E.
Barnes, Benjamin	23 Dec. 1825	- 8	N. $\frac{1}{2}$ 22, S. W. $\frac{1}{2}$ 21	13, 14	-	Cavan	Newcastle	Full fee.
Burke, Edmund	2 June 1836	- 10	- W. $\frac{1}{2}$ 10	6	100	Marmora	Midland	- - Emigrant, located by Hon. P. Robinson.
Belyea, James	7 Dec. 1830	- 11	15, N. Ontario-st.	-	615,000 square links.	Town of Bronte	Gore	Crown land sale.
Baker, William	21 May 1834	"	- - Broken 33, North of Malden-road.	-	100	Colchester	Western	Free.
Bowbeer, Benjamin	16 July 1816	"	- - Broken 9, North of Egd.-road.	8	60	Warwick	ditto	Full fee.
Bolster, John	12 May 1836	- 13	- S. $\frac{1}{2}$ 8	4	100	Smith	Newcastle	- - Emigrant, located by Hon. P. Robinson.
Bell, John	9 June 1836	"	- E. $\frac{1}{2}$ 8, W. $\frac{1}{2}$ 8	7	200	Medonte	Home	Discharged serjeant.
Bunton, Conway	28 June 1832	"	- E. $\frac{1}{2}$ 11	5	100	ditto	ditto	Discharged soldier.
Baker, Christopher	19 Feb. 1818	"	- E. $\frac{1}{2}$ 7, W. $\frac{1}{2}$ 7	3	200	Monaghan	Newcastle	- ditto.
Bogert, G. C.	15 Dec. 1832	- 14	- E. $\frac{1}{2}$ 18, W. $\frac{1}{2}$ 13	2	100	Harvey	ditto	S. U. E.
Barry, John	5 May 1836	"	- Broken 13, 14	11	100	Huntley	Bathurst	Discharged soldier.
Butter, John	9 June 1836	"	- S. $\frac{1}{2}$ 10, N. $\frac{1}{2}$ 10	4	200	Toronto	Home	- ditto.
Baldwin, Connel Jas.	25 Oct. 1823	"	- S. $\frac{1}{2}$ 23 and 24	13	138	Otanabee	Newcastle	Full fee.
Bilow, Catherine	3 Dec. 1835	"	- S. part 24	8	200	Colchester	Western	D. U. E.
Baker, Sarah	28 Nov. 1826	"	- E. $\frac{1}{2}$ 6, W. $\frac{1}{2}$ 6	11	-	Sombra	ditto	ditto.
Babcock, John	3 April 1834	"	- W. $\frac{1}{2}$ 17	8	-	Moore	ditto	S. U. E.
Brazil, Patrick	6 Mar. 1822	- 15	- S. $\frac{1}{2}$ 15, W. $\frac{1}{2}$ 15	7	100	Tecumseth	Home	Full fee.
Brimsmead, Richard	9 June 1836	"	- E. $\frac{1}{2}$ 17, North of Egd.-road.	11	-	Medonte	ditto	Discharged soldier.
Bailey, John	"	"	- W. $\frac{1}{2}$ 18	12	200	ditto	ditto	- ditto.
Bannon, John	8 June 1832	"	- E. $\frac{1}{2}$ 17	10	100	Belmont	Newcastle	- ditto.
Byrnes, James	23 July 1832	"	- S. $\frac{1}{2}$ 16	7	-	Eldon	ditto	- ditto.
Burney, George	15 May 1832	"	- E. $\frac{1}{2}$ 28	4	-	Dummer	ditto	- ditto.
Bray, William	10 Aug. 1832	"	- W. $\frac{1}{2}$ 14	6	-	Adelaide	London	- ditto.
Batterham, William	18 July 1834	"	- S. part 1, S. of Egd.-road, 5 N. of Egd.-road.	-	-	ditto	ditto	- ditto.
Bulger, John	23 July 1832	"	- W. $\frac{1}{2}$ 10, South of Egd.-road.	7	-	ditto	ditto	- ditto.
Brady, Joseph	2 Aug. 1832	"	- E. $\frac{1}{2}$ 13, South of Egd.-road.	6	-	ditto	ditto	- ditto.
Burke, Edward	"	"	10, S. of Egd.-road	6	200	ditto	ditto	Discharged serjeant.
Birdsall, Anthony	18 Aug. 1819	- 16	- E. $\frac{1}{2}$ 15, W. $\frac{1}{2}$ 15	10	-	Otanabee	Newcastle	Full fee.
Burgess, Henry	19 May 1836	"	- - - 3	4	-	Smith	ditto	- Settled under Hon. P. Robinson.
Brundage, Samuel	"	"	- -78, N. Talbot-road, West.	-	-	Howard	Western	- Settler, located by Colonel Talbot.
Brady, Chas. James	13 June 1836	"	- -14, on N. side of King-street.	-	$\frac{1}{2}$	Town of London	London	Full fee.
Brennan, Michael	6 Oct. 1831	"	- E. $\frac{1}{2}$ 37	13	100	Smith	Newcastle	Discharged soldier.
Broffey, James	6 Feb. 1830	"	- W. $\frac{1}{2}$ 7	6	-	Marmora	Midland	- ditto.
Body, Michael	23 July 1832	"	- E. $\frac{1}{2}$ 1, South of Egd.-road.	3	-	Adelaide	London	- ditto.
Baker, Jeremiah	2 Aug. 1832	"	- W. $\frac{1}{2}$ 2, South of Egd.-road.	2	-	ditto	ditto	- ditto.
Brown, James	"	"	- E. $\frac{1}{2}$ 17, North of Egd.-road.	2	-	ditto	ditto	- ditto.
Blizzard, John, } younger	12 Jan. 1822	"	- W. $\frac{1}{2}$ 18	2	-	Otanabee	Newcastle	Full fee.
Bowlby, Daniel	13 June 1836	- 17	- 42, E. on N. branch Talbot-road.	-	200	Southwold	London	ditto.
Backus, Stephen	19 Jan. 1820	- 18	- S. $\frac{1}{2}$ 6	12	100	Howard	Western	Militia.
Burke, Michael	16 June 1836	"	- 25, North side of King-street.	-	$\frac{1}{2}$	Town of London	London	Full fee.
Bell, John	14 Sept. 1825	"	- E. $\frac{1}{2}$ 5, W. $\frac{1}{2}$ 25	12, 14	200	Dawn	Western	S. U. E.
Breakenridge, F. A.	7 Mar. 1833	- 20	- - - 13	3	-	Sarnia	ditto	ditto.
Bullis, William	19 Jan. 1820	"	- - - 4	12	100	Fitzroy	Bathurst	Militia.
Barton, William	"	"	- E. $\frac{1}{2}$ 6	5	-	ditto	ditto	ditto.
Benn, Florence	19 Aug. 1833	- 8	- - - 30	5	200	Plympton	Western	S. U. E.
Boyce, Jane	18 May 1833	"	- - - 21	8	-	Brooke	ditto	D. U. E.
Burley, William	26 Sept. 1831	"	- N. E. $\frac{1}{2}$ 10	11	-	Pakenham	Bathurst	Free.
Bull, Thomas	14 Sept. 1825	"	N. E. $\frac{1}{2}$ 2, N. W. $\frac{1}{2}$ 2	10	150	Nassagaweya	Gore	Full fee.
Baker, John, younger	19 Jan. 1820	"	W. $\frac{1}{2}$ 23, N. E. $\frac{1}{2}$ 20	1	100	Fitzroy	Bathurst	Militia.
Blair, William	4 Feb. 1830	- 21	Front or W. $\frac{1}{2}$ 7	6	50	Toronto	Home	C. L. sale.
Black, William	19 Jan. 1820	"	- N. $\frac{1}{2}$ 2, 5th Range Credit Reserve.	-	-	-	-	-
Brown, Margaret	5 May 1831	"	- S. $\frac{1}{2}$ 2	3	100	Nottawasaga	ditto	Militia.
Bezer, Augustus	6 Nov. 1834	"	- W. $\frac{1}{2}$ 24, E. $\frac{1}{2}$ 24	3	200	Amaranth	ditto	D. U. E.
Birdsall, William	18 June 1817	"	- - - 23	4	-	Collingwood	ditto	Free.
Bacroft, George	1 July 1830	- 22	- W. $\frac{1}{2}$ 10, E. $\frac{1}{2}$ 10, W. of H. Street.	4	-	Toronto	ditto	Full fee.
Burgess, Daniel	20 June 1836	- 23	- W. $\frac{1}{2}$ 19	9	100	Tecumseth	ditto	Discharged gunner.
Brown, Jonas	13 June 1838	"	- E. $\frac{1}{2}$ 1	4	-	Smith	Newcastle	- - Emigrant, located by Hon. P. Robinson.
Byrnes, John	23 July 1832	"	- W. $\frac{1}{2}$ 18	10	-	Vespra	Home	Discharged soldier.
Blakely, Sophia	30 May 1834	"	- 57 and 58	2	200	Medonte	ditto	Discharged serjeant.
Blakely, John, elder	"	"	- - - 24	12	-	Enniskillen	Western	D. U. E.
Blakely, Samuel	"	"	- - - 21	12	-	ditto	ditto	S. U. E.
Bell, William C.	11 April 1833	"	- - - 20	12	-	ditto	ditto	ditto.
Bell, John	19 Jan. 1820	- 24	- 85, W. of Penetanguishene-road.	-	-	Tiny	Home	Free.
Bannister, David	Or. fm Lt. Gov.	"	- E. $\frac{1}{2}$ 16, W. $\frac{1}{2}$ 16	12	-	Harvey	Newcastle	Militia.
			- S. $\frac{1}{2}$ 76, E. Penetanguishene-road.	-	100	Tay	Home	Discharged soldier.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Babcock, James	2 June 1831	1836: June 24	-- E. part 12, N. of Eg'd.-road, broken 23, N. of Eg'd.-road.	4, 3	200	Adelaide	London	S. U. E.
Bussell, John	8 Sept. 1819	25	E. $\frac{1}{2}$ 13, W. $\frac{1}{2}$ 13, new survey.	9	—	Trafalgar	Gore	Full fee.
Barregor, Henry	19 Jan. 1820	27	N. part 4, E. $\frac{1}{2}$ N. part 2.	14	100	Hungerford	Midland	Militia.
Buck, George	13 June 1836	"	E. $\frac{1}{2}$ 19	10	—	Otanabee	Newcastle	-- Settler, located by Hon. P. Robinson.
Barber, G. A.	7 Dec. 1830	28	10, on Dunlop-street	10	$\frac{1}{2}$ 200	Town of Barrie	Home	Crown land sale.
Bull, Edward	29 Sep. 1819	29	E. $\frac{1}{2}$ 19, W. $\frac{1}{2}$ 19	1	—	Nassagaweya	Gore	Full fee.
Blake, Thomas	4 Aug. 1831	30	W. $\frac{1}{2}$ 19, E. H. St. E. $\frac{1}{2}$ 22, W. H. St.	3, 5	—	Caledon	Home	Discharged serjeant.
Crumb, Benjamin	6 Sep. 1832	May 9	—	9	3	Warwick	Western	S. U. E.
Cole, Isaac	19 Jan. 1820	17	—	17	1	Harvey	Newcastle	Serjeant, militia.
Cannon, Allan	21 Feb. 1832	"	N. $\frac{1}{2}$ 1, W. $\frac{1}{2}$ 2	1, 2	—	Sarnia	Western	S. U. E.
Clark, Ann	5 Nov. 1823	"	—	19	9	Enniskillen	ditto	D. U. E.
Caught, John, jun.	3 Apr. 1834	18	—	2	6	Sarnia	ditto	S. U. E.
Calvert, Margaret	4 July 1833	"	—	26	2	Moore	ditto	D. U. E.
Chambers, Robert	19 Jan. 1820	24	—	23	5	Enniskillen	ditto	Militia.
Campbell, Alexander	"	"	E. $\frac{1}{2}$ 6, S. E. $\frac{1}{2}$ 30	2, 8	—	Osgoode	Ottawa	ditto.
Castleman, John J.	"	"	—	5	—	Moore	Western	ditto.
Cook, Edward	"	"	N. $\frac{1}{2}$ 25	11	—	Hungerford	Midland	ditto.
Crowder, Andrew	6 Dec. 1832	"	—	24	4	Collingwood	Home	S. U. E.
Campbell, John	2 Oct. 1834	"	—	13	12	Enniskillen	Western	ditto.
Coleman, Thomas	17 Sep. 1823	"	1, 2, 3, 4	7	800	Dover	ditto	-- Captain, militia, dragoons.
Campbell, Catherine	6 Sep. 1832	"	—	27	4	Marlborough	Johnstown	D. U. E.
Cook, Sally	24 Nov. 1832	"	—	20	5	Madoc	Midland	ditto.
Cone, Mary	28 Apr. 1815	"	—	18	4	ditto	ditto	ditto.
Campbell, Eleanor	2 Oct. 1834	"	—	13	13	Enniskillen	Western	ditto.
Campbell, Lanor	6 Sep. 1832	"	—	29	4	Marlborough	Johnstown	ditto.
Clair, Jane	1 May 1834	"	—	14	B.	Westmeath	Bathurst	ditto.
Collings, Thomas	23 Dec. 1835	"	W. $\frac{1}{2}$ 26	5	100	Ramsay	ditto	Military emigrant.
Collins, Thomas	19 Dec. 1833	25	—	3	5	Gosfield	Western	S. U. E.
Cozens, Nelson	26 Dec. 1835	"	—	12	11	Camberland	Ottawa	ditto.
Cozens, Matilda	4 Sep. 1834	"	—	23	O. Riv.	ditto	ditto	D. U. E.
Cozens, Emily	"	"	—	9	11	ditto	ditto	ditto.
Cozens, Isaac B.	"	"	—	13	11	ditto	ditto	S. U. E.
Cozens, William Zane	"	"	—	14	11	ditto	ditto	ditto.
Clench, Johnson	4 Dec. 1834	"	—	25	1	Warwick	Western	ditto.
Casselman, Sufromer	18 Mar. 1815	"	—	3	3	Collingwood	Home	ditto.
Casselman, Martin J.	24 Nov. 1832	"	—	3	1	ditto	ditto	ditto.
Casselman, Margaret	"	"	—	19	4	Ross	Bathurst	ditto.
Carpenter, Catherine	25 July 1833	"	—	18	13	Plympton	Western	D. U. E.
Crouse, Oliver	19 Jan. 1826	26	E. $\frac{1}{2}$ 7	13	100	Enniskillen	ditto	Militia.
Coll, William	19 Jan. 1820	"	—	17	1	Sombra	ditto	ditto.
Coll, James	"	"	S. $\frac{1}{2}$ 20	8	100	ditto	ditto	Serjeant, militia.
Chisholm, David	"	"	W. $\frac{1}{2}$ 3	3	—	Fitzroy	Bathurst	Private, militia.
Cook, Abraham	27 Dec. 1835	"	—	—	244	Brantford	Gore	Indian lands.
Clement, George M.	14 May 1830	"	—	2	8	Vespra	Home	S. U. E.
Clendinnin, William	27 June 1833	"	—	43	11	Simcoe	ditto	ditto.
Cronkheit, Darius	4 Sep. 1834	"	—	19	5	Sombra	Western	ditto.
Comer, Henry	15 May 1835	"	—	14	5	Harvey	Newcastle	ditto.
Carscallan, George	4 July 1833	"	—	21	12	Nottawasaga	Home	ditto.
Collins, John M'Gaw	7 Aug. 1834	"	E. $\frac{1}{2}$ 13, W. $\frac{1}{2}$ 18	14, 14	—	Enniskillen	Western	ditto.
Christie, Abijah	10 Oct. 1834	"	—	22	11	ditto	ditto	ditto.
Cronkheit, Anthony	4 Sep. 1834	"	—	18	5	Sombra	ditto	ditto.
Casselman, Eleanor	5 Feb. 1835	"	—	7	5	ditto	ditto	D. U. E.
Crowster, Nancy	22 Apr. 1831	"	—	21	5	Belmont	Newcastle	ditto.
Carson, Charles	4 Aug. 1831	"	E. part 36	3	100	Albion	Home	Discharged soldier.
Clendinnin, Catherine	17 Mar. 1836	27	W. $\frac{1}{2}$ 18 and 19	3	200	Dawn	Western	D. U. E.
Christie, Isaac	4 Feb. 1830	"	S. $\frac{1}{2}$ 33	4	100	Scarborough	Home	Clergy reserve sale.
Cameron, Alexander	19 Jan. 1820	"	W. $\frac{1}{2}$ 12	14	—	Enniskillen	Western	Militia.
Clark, William	19 May 1836	"	Town lot	—	101,700 square links.	T. Woodstock	London	Full fee.
Cronkheit, Alfred	29 Sep. 1834	"	—	18	1	Nottawasaga	Home	S. U. E.
Curd, Loraine	26 July 1820	"	—	7 and 8	16	Chatham	Western	D. U. E.
Carroll, Apalona	17 Apr. 1832	"	—	16, 10	1, 4	Warwick	ditto	ditto.
Campbell, William	20 Oct. 1832	"	S. $\frac{1}{2}$ 61	1	100	Flos	Home	Discharged soldier.
Cronin, Michael	28 Nov. 1835	28	W. $\frac{1}{2}$ 18	10	—	Huntley	Bathurst	-- Hon. P. Robinson's settler.
Church, Jonathan M.	19 Jan. 1820	30	N. E. $\frac{1}{2}$ 4, N. E. $\frac{1}{2}$ 6	8, 9	—	Lansdowne	Johnstown	Militia.
Canadian, Jean Bapt.	"	"	W. $\frac{1}{2}$ 31	—	—	Colchester	ditto	ditto.
Cadit, Joseph	"	"	—	118	3	Sandwich	ditto	ditto.
Corking, Michael	28 Nov. 1835	"	W. $\frac{1}{2}$ 10	3	—	Ramsay	Bathurst	-- Settler under Hon. P. Robinson.
Collins, Daniel	"	"	E. $\frac{1}{2}$ 1	12	—	Goulburn	ditto	ditto.
Collins, Richard, sen.	"	31	W. $\frac{1}{2}$ 1	11	—	ditto	ditto	ditto.
Carnis, Jacob	19 Jan. 1820	"	W. $\frac{1}{2}$ 31	5	—	Nottawasaga	Home	Militia.
Campbell, Malcolm	30 Aug. 1820	"	S. $\frac{1}{2}$ 6, L. W. Road	—	—	Ekfrid	London	Full fee.
Cusack, Annever	28 Nov. 1835	"	E. $\frac{1}{2}$ 1	5	—	Pakenham	Bathurst	-- Settler under Hon. P. Robinson.
Collins, Cornelius	"	"	—	2	12	Goulburn	ditto	ditto.
Connell, William	"	"	W. $\frac{1}{2}$ 1	10	100	ditto	ditto	ditto.
Cunningham, Roger	"	"	—	5	11	ditto	ditto	ditto.
Colliot, Barlim	19 Jan. 1820	June 1	S. $\frac{1}{2}$ 35	6	100	Nottawasaga	Home	Discharged soldier.

UPPER CANADA: PAPERS RELATING TO SIR F. B. HEAD.

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RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Cole, Simon -	Adm. Sir J.C.	1836 : June 1	- 3, Big Island	- -	101	- -	Midland -	Crown sale.
Cole, Zaccariah -	"	"	- - 31, 29	- -	202	Big Island -	ditto -	- ditto.
Carr, Jacob -	"	"	- - S. part 7	2	50	Oxford, West -	London -	- ditto.
Clark, George A. -	"	"	- 10, N. W. Street	- -	23,666 sq. links	Town of Brantford	Gore -	- ditto.
Campbell, Malcolm -	"	"	- - S. $\frac{1}{2}$ 23	6	100	Caradoc -	London -	- ditto.
Cook, Andrew -	"	"	- - 8	9	59	- 2d Range, W. of Mount Pleasant Rd.	Gore -	- ditto.
Cain, John, jun. -	19 Jan. 1820	"	- - S. $\frac{1}{2}$ 43	12	100	Nottawasaga -	Home -	Militia.
Carr, Thomas -	Adm. Sir J.C.	"	- - E. $\frac{1}{2}$ 13	7	-	Otanabee -	Newcastle -	- Commissioner report, 1835.
Corking, Patrick -	28 Nov. 1835	"	- - E. $\frac{1}{2}$ 10	3	-	Ramsay -	Bathurst -	- Settler under Hon. P. Robinson.
Clark, John -	19 Jan. 1820	- 3	- - N. $\frac{1}{2}$ 28	1	-	Sombra -	Western -	Militia.
Canby, Benjamin -	Adm. Sir J. C.	"	- - A part of	- -	265	Canborough -	Niagara -	Crown sale.
Cole, Isaac -	19 Jan. 1820	- 10	- - E. $\frac{1}{2}$ 4	6	100	Darling -	Bathurst -	Militia.
Condon, Richard -	12 May 1836	"	- - W. $\frac{1}{2}$ 21	6	-	Otanabee -	Newcastle -	- Settler under Hon. P. Robinson.
Carthew, John -	2 Aug. 1832	"	{ - - 17 - - E. 16	9, 10, 10 }	500	Medonte -	Home -	Lieutenant, R. N.
Cronk, Paul -	Adm. Sir J. C.	- 11	- - 35, N. base line	- -	98	Big Island -	Midland -	Crown sale.
Cole, Isaac -	28 Sept. 1820	"	- - 7	6	200	Darling -	Bathurst -	S. U. E.
Caldor, David -	22 May 1832	"	- - 21, 23	9	346	Brooke -	Western -	- Late a lieutenant, 59th regiment.
Caverley, Nathaniel -	16 June 1834	"	- - - 30	- -	200	Colchester -	ditto -	Discharged artificer.
Cummings, Thomas -	9 May 1836	- 13	- - S. $\frac{1}{2}$ 14	4	100	Eldon -	Newcastle -	Discharged soldier.
Cowan, Samuel -	9 June 1836	"	- - E. $\frac{1}{2}$ 6	6	-	Medonte -	Home -	- ditto.
Cotter, Edward -	12 May 1836	"	- - W. $\frac{1}{2}$ 10	6	-	Douro -	Northumberland -	- Settler under Hon. P. Robinson.
Cockburn, Joseph -	12 June 1832	"	- - - 64	1	200	Medonte -	Home -	Discharged serjeant.
Carr, John -	3 Nov. 1831	"	- - - 10	11	100	Eldon -	Newcastle -	Discharged soldier.
Cadney, Daniel -	19 Jan. 1820	- 14	- - W. $\frac{1}{2}$ 1	13	-	Nissouri -	London -	Militia.
Crow, John Brooke -	Adm. Sir J.C.	"	- - -	- -	357	Harvey -	Newcastle -	Crown sale.
Calighan, Thomas -	12 May 1836	"	- - - 1	2	200	Marmora -	Midland -	- Settler under Hon. P. Robinson.
Curry, George -	5 April 1832	"	- - W. $\frac{1}{2}$ 5	5	100	Nassagaweya -	Gore -	Discharged soldier.
Clunsdale, William -	11 Aug. 1831	"	- - W. $\frac{1}{2}$ 17	5	-	Dummer -	Newcastle -	- ditto.
Cawley, George -	28 April 1832	"	- - E. $\frac{1}{2}$ 15	2	-	Nelson -	Gore -	- ditto.
Chisholm, Robert -	3 July 1834	"	- - - 32	5	200	Essa -	Western -	Discharged artificer.
Cavors, James -	7 Aug. 1834	- 15	- - W. $\frac{1}{2}$ 1	4	100	Adelaide -	London -	Discharged soldier.
Cully, John -	2 Aug. 1832	"	- - E. $\frac{1}{2}$ 7	3	-	ditto -	ditto -	- ditto.
Carmichael, Charles -	20 Sept. 1830	- 16	- - S. $\frac{1}{2}$ 11	8	-	Lobo -	ditto -	Full fee.
Coffy, Gilbert -	17 Nov. 1819	"	- - N. $\frac{1}{2}$ 21	4	-	Tecumseth -	Home -	ditto.
Curry, James -	23 June 1824	"	- - E. $\frac{1}{2}$ 1	6	-	Adjala -	ditto -	ditto.
Costello, Michael, jun. -	9 June 1836	"	- - N. $\frac{1}{2}$ 9	6	-	Ennismore -	Newcastle -	- Settler under Hon. P. Robinson.
Cotter, William -	"	"	- - W. $\frac{1}{2}$ 11	9	-	Belmont -	ditto -	- ditto.
Connors, Timothy -	13 June 1836	"	- - W. $\frac{1}{2}$ 3	9	-	Emily -	ditto -	- ditto.
Crummer, John -	10 Aug. 1832	"	- - W. $\frac{1}{2}$ 6	2	-	Adelaide -	London -	Discharged soldier.
Carrighan, Hugh -	2 Aug. 1832	"	- - E. $\frac{1}{2}$ 1	4	-	ditto -	ditto -	- ditto.
Coates, Mary -	4 Feb. 1836	- 17	- - W. $\frac{1}{2}$ 13	6	-	Vespra -	Home -	- Widow of discharged soldier.
Campbell, Patrick -	2 Aug. 1832	"	- - - 3	2	200	Adelaide -	London -	Discharged serjeant.
Clement, Martin -	19 Jan. 1820	- 18	- - E. $\frac{1}{2}$ 16	1	100	Hinchinbrooke -	Midland -	Militia dragons.
Conklin, Thomas -	"	"	- - W. $\frac{1}{2}$ 28	2	-	Marmora -	ditto -	Private, militia.
Carling, Isaac -	16 June 1836	"	- - - 17	Y. St.	200	Town of London	London -	Full fee.
Casselman, William -	27 Nov. 1833	"	- - - 29	1	-	Penelon -	Newcastle -	S. U. E.
Cameron, Alexander -	22 May 1832	"	- - - 7	4	-	Mara -	Home -	ditto.
Campbell, Francis -	5 May 1832	"	- - - 25	2	-	Chingacousy -	ditto -	ditto.
Cass, Joseph -	7 Dec. 1830	"	- E. $\frac{1}{2}$ 13, W. $\frac{1}{2}$ 15	10, 10	200	Plympton -	Western -	ditto.
Callard, Abraham -	27 June 1833	"	- - - 25	2	-	Marmora -	Midland -	ditto.
Culp, William -	19 Jan. 1820	- 20	- - W. $\frac{1}{2}$ 29	6	100	Garafraxa -	Gore -	Corp. militia artillery.
Cook, George -	"	"	- - Rear $\frac{1}{2}$ 21	7	-	Beckwith -	Bathurst -	Militia dragons.
Creighton, Ogden -	4 Feb. 1836	"	- - -	- -	809	Mara -	Home -	Late Capt., 81st regt.
Creighton, Ogden -	"	"	- - -	- -	238	- Gore, between Bev. and Puslinch.	Gore -	- ditto.
Condon, James -	13 June 1836	"	- - W. $\frac{1}{2}$ 25	12	100	Otanabee -	Newcastle -	- Settler under Hon. P. Robinson.
Carling, Thomas -	"	"	- - - 26	5	200	London -	London -	- Settler under Col. Talbot.
Carpenter, Lewis -	25 July 1833	"	- - E. $\frac{1}{2}$ 18	13 & 14	-	Plympton -	Western -	S. U. E.
Chamberlain, James -	27 Aug. 1833	"	- - - 30	3	-	ditto -	ditto -	ditto.
Cork, Robert -	7 Aug. 1834	"	- - 10, Wp't 11	5, 4	369	Seymour -	Newcastle -	Lieutenant, R. N.
Crowder, Anthony -	10 Mar. 1834	- 21	- - - 22	3	200	Collingwood -	Home -	S. U. E.
Caldwell, Aaron -	27 Nov. 1834	"	- - - 43	10	-	Nottawasaga -	ditto -	Discharged artificer.
Cameron, Angus -	17 Nov. 1830	- 22	- - - 16	11	150	Richmond -	Midland -	Discharged serjeant.
Crow, Joseph -	27 June 1833	"	- - S. $\frac{1}{2}$ 6, 7	13	200	Sunnidale -	Home -	Discharged shipwright.
Campbell, Peter S. -	19 Jan. 1820	- 23	- - E. $\frac{1}{2}$ 33	1	100	Chingacousy -	ditto -	Militia.
Cain, Hugh -	8 Aug. 1833	"	- - - 8	12	200	Sunnidale -	ditto -	Discharged serjeant.
Clark, Robert -	12 July 1831	"	- - - 81	W. P. Road	-	Tiny -	ditto -	Serjeant, Sligo militia.
Crichton, John -	26 July 1820	"	- - N. W. $\frac{1}{2}$ 4	5	50	Caledon -	ditto -	Free.
Conwally, John -	16 June 1836	"	- - S. $\frac{1}{2}$ 18	10	100	Emily -	Newcastle -	Discharged soldier.
Cooper, John -	2 Feb. 1832	- 24	- - W. $\frac{1}{2}$ 12	3	-	Caledon -	Home -	- ditto.
Cordingly, David -	21 April 1819	- 25	- - W. $\frac{1}{2}$ 10	10	-	Trafalgar -	Gore -	Full fee.
Clookey, George -	26 Oct. 1825	"	- - S. $\frac{1}{2}$ 6	8	-	Innisfil -	Home -	ditto.
Cronk, John -	19 Jan. 1820	- 27	- - N. part 11	14	-	Hungerford -	Midland -	Militia.
Castle, Henry James -	Adm. Sir J. C.	- 20	- - - 39	11	15	Collingwood -	Home -	Crown sale.
Crowe, John Brooks -	Adm. Sir F.H.	- 27	- - - 23	10	175	Verulam -	Newcastle -	- ditto.
Cameron, Finlay -	21 April 1819	"	- - E. $\frac{1}{2}$ 10	5	100	Toronto -	Home -	Full fee.
Cameron, George -	2 Dec. 1830	"	- - - 9	1	200	Essa -	ditto -	S. U. E.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Townships.	District.	Remarks.
1836 :								
Cook, Andrew -	20 June 1836	June 28	- - - Tract	- -	102	Brantford -	Gore -	Indian lands.
Carley, Hugh -	3 May 1832	"	- - S. part 14	4	100	Tyendinaga -	Midland -	Discharged soldier.
Cooper, George -	21 Dec. 1825	- 29	- - E. $\frac{1}{2}$ 26	8	-	Albion -	Home -	Full fee.
Crane, James -	4 Oct. 1832	- 30	- - W. $\frac{1}{2}$ 7	6	-	Caledon -	ditto -	Discharged soldier.
Dennis, William -	23 Dec. 1835	Apr. 29	- Indian Reserves	- -	378	City of Haldimond	Niagara -	- - Part of Grand River reserve, originally conveyed by the late Joseph Brant.
Denyes, Peter -	19 Jan. 1820	May 6	- - S. $\frac{1}{2}$ 14	4	100	Collingwood -	Home -	Militia claimant.
Digby, John Charles	7 Dec. 1818	- 7	{ 24, 25, 26, 27, 28, Parts of Lots 25, 26, 27, 28.	{ 3 4	191	Brantford -	Gore -	- - Crown land sale, 235 l. currency.
Doan, Mahlon -	9 Oct. 1810	- 18	- - - 1	5	200	Sarnia -	Western -	S. U. E.
Diamond, John -	6 Oct. 1831	"	W. $\frac{1}{2}$ 26, Broken	3, 5	-	Moore -	ditto -	ditto.
Dobbs, Robert -	4 Feb. 1830	- 24	- - - 16	6	-	Yonge -	Johnstown -	- - Clergy reserve sale, 100 l.
De Cow, Abner -	19 Jan. 1820	- 25	- - W. $\frac{1}{2}$ 31	2	100	Nottawasaga -	Home -	Militia claimant.
Dafoe, Michael -	25 Jan. 1831	"	- - - 14	7	200	Madoc -	Midland -	S. U. E.
Davis, John -	28 Oct. 1835	"	- - - 27	5	-	Sombra -	Western -	ditto.
Dowdle, David -	1 Dec. 1831	"	- - - 3	7	100	Albion -	Home -	- - Discharged soldier, 11th regiment.
Doan, Michael -	8 Jan. 1835	"	- - - 4	5	200	Dover -	Western -	- - Discharged artificer, dock-yard, Kingston.
Dorchimer, John -	19 Jan. 1820	"	- - S. $\frac{1}{2}$ 36	11	100	Nottawasaga -	Home -	Militia claimant.
Dell, Edmund -	24 Mar. 1836	"	- - - 23	8	-	Bayham -	London -	- - Settler located by Colonel Talbot.
Donaldson, David -	19 April 1820	"	- - S. part 1	20	-	Tiny -	Home -	Full fee.
Douthwaite, George -	15 Oct. 1819	"	- - E. $\frac{1}{2}$ 18	7	-	Albion -	ditto -	Full fee (settler).
Dunlop, James -	23 Dec. 1835	"	- - Broken 13	4	58	N. Sherbrooke	Bathurst -	- - Settler located by Q. M. gen.'s dept.
Dunlop, Samuel -	"	"	- - E. $\frac{1}{2}$ 19	12	84	Lanark -	ditto -	ditto.
Davis, Catherine -	1 Feb. 1836	- 26	- - E. $\frac{1}{2}$ 7	1	100	Smith -	Newcastle -	- - Discharged soldier, 12th regiment.
Dopp, Henry -	19 Jan. 1820	- 30	- - S. $\frac{1}{2}$ 35	4	-	Nottawasaga -	Home -	Militia claimant.
De Cow, Abraham -	"	"	- - S. $\frac{1}{2}$ 16	7	-	Collingwood -	ditto -	- ditto.
Davy, Peter -	"	"	- - W. $\frac{1}{2}$ 1	8	-	Belmont -	Newcastle -	- ditto.
Danby, Thomas -	7 July 1823	"	- - S. W. $\frac{1}{2}$ 13	5	50	Leeds -	Johnstown -	- - (Settler, pat. free), settlement duty performed.
Donoghue, Jeffry -	28 Nov. 1835	"	- - E. $\frac{1}{2}$ 15	10	100	Huntley -	Bathurst -	} Emigrants, located by Hon. P. Robinson.
Dooland, John -	"	"	- - E. $\frac{1}{2}$ 1	11	-	Ramsay -	ditto -	
Duff, Martha -	19 May 1835	- 31	- - E. part 32	1	-	Amaranth -	Home -	
Dulmage, Richard -	20 Nov. 1835	June 1	- - E. $\frac{1}{2}$ 5	10	-	Ramsay -	Bathurst -	} Emigrants, located by Hon. P. Robinson.
Dulmage, Garrett -	28 Nov. 1835	"	- - W. $\frac{1}{2}$ 5	11	-	ditto -	ditto -	
Davison, Andrew -	19 Jan. 1820	- 3	- - S. $\frac{1}{2}$ 11	11	-	Collingwood -	Home -	
Dixon, Alexander -	14 Nov. 1831	- 6	- N. $\frac{1}{2}$ 9, S. $\frac{1}{2}$ 16	12, 14	200	W. Gwillimbury	ditto -	- - Provincial incorporated militia.
Dafoe, Elizabeth -	10 Mar. 1834	- 10	- - - 18	5	-	Plympton -	Western -	- - Discharged serjeant, 4th dragoon guards.
Davis, James Samuel	28 Oct. 1835	"	- - - 20	4	-	Mulner -	Home -	D. U. E.
Dulyea, Mary -	2 Jan. 1834	"	- - - 1	11	152	Richmond -	Midland -	S. U. E.
Dulyea, Mary -	"	"	- - N. part 4	10	48	ditto -	ditto -	D. U. E.
De Witt, Abraham -	4 Feb. 1830	- 11	- - - 35	7	200	Ernestown -	ditto -	ditto.
Downman, Robert -	2 June 1836	- 13	- - N. $\frac{1}{2}$ 1	1	100	Tyendinaga -	ditto -	Clergy sale, 140 l.
Dagg, James -	25 May 1836	"	- - S. $\frac{1}{2}$ 14	11	-	London -	London -	- - Emigrant settler, located by P. Robinson.
De la Motte, Rev. P. J.	23 May 1836	"	6, S. side of D. W. district.	- -	1	Perth -	Bathurst -	- - Emigrant settler, located by Col. Talbot.
Driscoll, Florena -	12 May 1836	"	- - - 17	14	100	Otanabee -	Newcastle -	- - Fees paid, settlement duty performed.
Devine, Ann -	23 May 1836	"	- - - $\frac{1}{2}$ 5	6	-	Eldon -	ditto -	- - Emigrant settler, located by P. Robinson.
Davis, James -	8 June 1832	"	- - N. $\frac{1}{2}$ 8	12	-	W. Gwillimbury	Home -	- - Discharged soldier, 83d regiment.
Daly, Thomas -	1 Aug. 1833	- 14	- - - 3	5	200	Moore -	Western -	- - Discharged soldier, 32d regiment foot.
Donegan, Patrick -	10 Dec. 1832	"	- - N. $\frac{1}{2}$ 25	1	100	Tyendinaga -	Midland -	S. U. E.
Davis, Isaac -	25 Feb. 1819	- 15	- - E. $\frac{1}{2}$ 3	4	-	Chinguacousy -	Home -	- - Discharged soldier, 27th regiment foot.
Dunwoody, George -	2 July 1835	"	- - - 3	9	200	Essa -	ditto -	- - Fees paid, settlement duty performed.
Davidson, James -	29 April 1824	"	- - E. part 16	2	100	Smith -	Newcastle -	- ditto.
Daly, Robert -	19 Dec. 1832	"	- - - 3	2	200	Enniskillen -	Western -	- - Emigrant, settlement duty performed.
Deen, Emily -	19 Jan. 1833	"	- - - 22	9	-	Plympton -	ditto -	S. U. E.
Dillon, James -	13 June 1836	"	- - W. $\frac{1}{2}$ 1	7	100	Adelaide -	London -	D. U. E.
Doan, Ebenezer -	4 Feb. 1830	- 16	- - E. $\frac{1}{2}$ 15	2	-	E. Gwillimbury -	Home -	- - Discharged soldier, royal artillery.
Dailey, Owen -	9 June 1836	"	- - W. $\frac{1}{2}$ 20	7	-	Smith -	Newcastle -	Clergy sale, 87 l. 10s.
Dailey, Andrew -	"	"	- - E. $\frac{1}{2}$ 20	7	-	ditto -	ditto -	- - Settler, located by P. Robinson.
Downey, Henry -	- July 1827	- 17	- - E. $\frac{1}{2}$ 18	8	-	Albion -	Home -	- ditto.
Dunn, Patrick -	23 July 1832	"	- - W. $\frac{1}{2}$ 16	4	-	Vespra -	ditto -	- - Fees paid, settlement duty performed.
Drury, Edward -	1 Sept. 1831	"	- - - 26	2	-	ditto -	ditto -	- - Discharged soldier, 67th regiment foot.
Dunn, John -	2 Aug. 1832	"	- - E. $\frac{1}{2}$ 9	4	-	ditto -	ditto -	- - Discharged soldier, 70th regiment foot.
								- - Discharged soldier, 7th dragoon guards.

UPPER CANADA: PAPERS RELATING TO SIR F. B. HEAD.

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RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Dowsley, Charlotte -	7 Aug. 1828	1836. June 10	- - - 19	4	200	Medonte - -	Home - -	D. U. E.
Detlor, George -	27 Aug. 1833	- 20	- - - 29	2	-	Plympton - -	Western - -	S. U. E.
Dreio, Esther -	27 Mar. 1829	"	- - - 6	1	-	Flos - -	Home - -	D. U. E.
Durrant, Samuel -	20 June 1836	- 21	15, S. side York-st.	-	$\frac{1}{2}$	Town of London -	London - -	- - Fees paid, settlement duty performed.
Dolson, James Martin	2 Oct. 1834	"	- - - 8	8	200	Collingwood -	Home - -	- - Discharg. artificer, Kingston dock-yard.
Douglas, John -	20 June 1836	"	19, S. side B. Street	-	$\frac{1}{2}$	Town of London -	London - -	- - Fees paid, settlement duty performed.
Daly, William -	26 Aug. 1834	"	- - W. $\frac{1}{2}$ 18	7	100	Vespra - -	Home - -	- - Discharged soldier, 11th regiment foot.
Duncan, Robert -	2 Oct. 1834	- 22	- - W. $\frac{1}{2}$ 4	5	-	Caledon - -	ditto - -	- - Discharg. serjeant, 68th regiment.
Duncan, Robert -	"	"	- - E. $\frac{1}{2}$ 18	2	-	Albion - -	ditto - -	- ditto.
Droorall, George -	7 Dec. 1830	- 23	- - Part 16	4	103	Brantford - -	Gore - -	Crown sale, 103 $\frac{1}{2}$.
Dellabough, John -	19 Jan. 1820	- 24	- - S. $\frac{1}{2}$ 4	11	100	Mara - -	Home - -	- - Private, incorporated militia.
Dunn, John -	22 July 1832	"	- - W. $\frac{1}{2}$ 14	5	-	Vespra - -	ditto - -	- - Discharged soldier, 9th regiment dragoons.
Dolan, Michael -	21 Feb. 1832	"	No. 1, W. 18, 19, 20	11	-	Essa - -	ditto - -	- - ditto, 45th regiment foot.
Dixon, Alexander -	7 Dec. 1830	- 25	- - 7, E. F. St.	-	$\frac{1}{2}$	Port Credit -	ditto - -	Crown sale, 26 $\frac{1}{2}$.
Douglas, William -	28 Jan. 1819	"	- - - 4	3	200	Toronto - -	ditto - -	- - Fees paid, settlement duty performed.
Douglas, Peter -	"	"	- - - 4	6	-	ditto - -	ditto - -	- ditto.
Doyle, Thomas -	2 Oct. 1834	- 23	- - - 30	6	-	Enniskillen -	Western - -	- - Discharg. artificer, Kingston dock-yard.
Doyle, Peter -	27 June 1836	- 29	- - W. $\frac{1}{2}$ 14	10	100	Dummer - -	Newcastle -	- - Discharged soldier, 86th regiment.
Dafoe, David -	30 May 1834	- 30	- - - 21	11	200	Belmont - -	ditto - -	S. U. E.
Elliott, John F.	31 July 1834	May 18	- - W. $\frac{3}{4}$ 24	12	150	Moore - -	Western - -	- - 2d Lieutenant, royal marines.
Eman, George -	9 July 1817	"	- - - 28	5	200	ditto - -	ditto - -	S. U. E.
Eman, Lawson -	28 Oct. 1835	"	- - - 13	6	-	Plympton - -	ditto - -	ditto.
Elliott, James -	18 Aug. 1819	- 25	26, W. Church-street	-	$\frac{1}{2}$	Belleville -	Midland -	- - Settlement duty performed.
Elsworth, Ephraim -	31 Mar. 1836	"	15, N. s. King-street	-	-	London - -	London - -	- - Fees paid, settlement duty performed.
Eligh, David -	19 Jan. 1820	"	- - W. $\frac{1}{2}$ 7	4	100	Madoc - -	Midland -	Militia claimant.
Elsworth, Magdalen -	4 April 1833	- 26	- - - 12	7	200	Moore - -	Western -	D. U. E.
Edwards, John -	6 Dec. 1832	"	- N. part 24, S. 24	10, 15	100	Brock - -	Home - -	- - Discharged soldier, 89th regiment.
Eligh, George -	19 Jan. 1820	- 30	- - W. $\frac{1}{2}$ 30	5	-	Nottawasaga -	ditto - -	Militia claimant.
Emery, St. Luke -	4 Feb. 1830	June 1	- - N. W. $\frac{1}{4}$ 8	8	50	Dover - -	Western -	- - Clergy reserve sale, 25 $\frac{1}{2}$.
Everitt, Daniel -	2 July 1833	"	- E. $\frac{1}{2}$ Broken 7	1	15	Kingston - -	Midland -	- - Privileged militia claimant.
Everitt, James -	7 Dec. 1830	- 3	15, N. side Gaol-st.	-	1	Chatham - -	Western -	Crown land sale, 6 $\frac{1}{2}$.
Ellison, Catharine -	25 July 1833	- 10	E. part 17, W. $\frac{1}{2}$ 18	14	200	Plympton - -	ditto - -	D. U. E.
Eligh, David -	6 Nov. 1834	- 14	- - - 18	7	-	Moore - -	ditto - -	S. U. E.
Empey, Thomas -	19 Jan. 1820	- 15	- - - 24	10, 11, 12	100	Maripossa -	Newcastle -	Militia claimant.
Evans, Charlotte Stuart	3 Nov. 1831	- 18	- - - 23	1	200	Amaranth -	Home - -	D. U. E.
Evans, Joseph -	23 July 1832	- 24	- - E. $\frac{1}{4}$ 8	6	100	Medonte - -	ditto - -	Discharged soldier.
Easton, Thomas -	10 Aug. 1832	"	- - S. W. $\frac{1}{4}$ 3	9	50	Innisfil - -	ditto - -	- ditto.
Eadie, Andrew -	27 June 1836	- 28	Part of 6, N. Pt. road	-	97	Brantford -	Gore - -	Part of India reserve.
Ellsmore, Joseph -	5 July 1832	"	- - W. $\frac{1}{2}$ 1	4	100	Oro - -	Home - -	- - Discharged soldier, 2d royal vet. batt.
Fay, Henry F. -	7 Dec. 1830	April 28	19, N. side Dalh'e-st.	26,000 sq. links	-	Brantford -	Gore - -	- - Crown sale, 23 $\frac{1}{2}$ 13 s. 6 d.
Fyanes, Joseph -	24 Oct. 1831	May 10	- - S. $\frac{1}{2}$ 14	13	100	Brock - -	Home - -	- - Discharged soldier, 4th dragoon guards.
Fairman, William -	19 Jan. 1820	- 18	- - N. $\frac{1}{2}$ 30	9	-	Hungerford -	Midland -	Militia claimant.
Felker, Frederick -	"	- 19	S. pt. 4, S. Ni.-road	-	-	Maidstone -	Western -	- ditto.
Fralick, Robert -	2 June 1819	"	- - - 17	11	200	Enniskillen -	ditto - -	S. U. E.
Fraser, Donald -	7 Feb. 1833	- 23	- - N. $\frac{1}{2}$ 18	13	100	Tecumseth -	Home - -	- - Discharged soldier, 79th regiment.
Flagler, Thomas -	19 Jan. 1820	- 24	- - - 6	12	200	Sombra - -	Western -	- - Serjeant, flank company, militia.
Frederick, Daniel -	7 June 1826	"	- 37, W. Rear-street	-	$\frac{3}{10}$	Belleville -	Midland -	- - Settlement duty performed.
Field, Linus -	2 July 1835	"	- - - 2	6	200	S. Gower - -	Johnstown -	Fees paid.
Foster, Edward -	30 May 1835	"	- - - 12	5	-	Walsingham -	London - -	- - Subject to the conditions of a certain will, patent free.
FitzGerald, John -	17 Mar. 1836	- 25	- - N. $\frac{1}{2}$ 4	1	100	London - -	ditto - -	- - Settler, located by Col. Talbot.
Frats, Elizabeth -	17 Feb. 1825	"	- 6, S. side Eg.-road	-	200	Warwick - -	Western -	D. U. E.
Firman, Henry -	19 Jan. 1820	- 26	- - 5, S. $\frac{1}{2}$ 6	3	100	Collingwood -	Home - -	Militia claimant.
Ferguson, John H.	28 Oct. 1835	"	- - - 30	12	00	Sombra - -	Western -	S. U. E.
Forshee, Hannah -	2 Oct. 1834	"	- - - 22	5	-	Belmont - -	Newcastle -	D. U. E.
Field, James -	15 May 1835	"	- - W. $\frac{1}{2}$ 21, 22	4	-	Amaranth -	Home - -	S. U. E.
Fortier, John -	26 Dec. 1834	"	- - - 25	3	-	Nottawasaga -	ditto - -	- - Discharged artificer, Kingston dock-yard.
Foster, Edmund -	19 Jan. 1820	"	- - W. $\frac{1}{2}$ 7	9	100	Plympton - -	Western -	Militia claimant.
Fraser, Simon, sen.	"	"	- - W. $\frac{1}{2}$ 7	10	-	Fitzroy - -	Bathurst -	- ditto.
Foley, Patrick -	28 Nov. 1835	- 27	- - - 27	2	92	Ramsay - -	ditto - -	- - Emigrant, located, by Hon. P. Robinson.
Fraser, Alexander -	4 Feb. 1830	"	- - S. $\frac{1}{2}$ 2	11	100	Plantagenet -	Ottawa - -	- - Clergy reserve sale, 31 $\frac{1}{2}$ 5 s.

(continued.)

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Flynn, James	28 Nov. 1835	May 27	9	12	188	Ramsay	Bathurst	Emigrant settler, located by Hon. P. Robinson.
Foucher, Charles	31 July 1834	28	10	2	200	Hinchinbrooke	Midland	Discharg. artificer, Kingston dock-yard.
Forrest, James	28 Nov. 1835	"	W. $\frac{1}{2}$ 20	11	100	Huntley	Bathurst	Emigrant settler, Hon. P. Robinson.
Forrest, Timothy	"	"	W. $\frac{1}{2}$ 21	11	—	ditto	ditto	ditto.
Fraser, Hugh	19 Jan. 1820	31	E. part 5 & 6	14	56	Adelaide	London	Serjeant, incorporated militia.
Frymire, Conrad	"	"	E. $\frac{1}{2}$ 31	9	100	Nottawasaga	Home	Militia claimant.
Finch, Christian	"	June 7	E. $\frac{1}{2}$ 26	10	—	Enniskillen	Western	ditto.
Fisher, Thomas	17 May 1820	10	S. part 23	9	—	Chatham	ditto	As a settler.
Falconer, James, jun.	3 Dec. 1829	"	7	3	200	Melancthon	Home	S. U. E.
Falvey, John	12 May 1836	"	E. $\frac{1}{2}$ 29	11	100	Otanabee	Newcastle	Emigrant, located by Hon. P. Robinson.
Fisher, Henrietta	4 Sept. 1834	"	11	1	200	Belmont	ditto	D. U. E.
Fullarton, John	7 Dec. 1830	11	12, N. s. Market-st. 11, S. s. Davis-street.	—	2	Kempensfeldt	Home	Crownland sale, 10 l.
Fogle, Israel	"	"	16	6	128	Cayuga	Niagara	ditto, 105 l. 1s.
Fant, Stephen	"	13	8, S. s. T. R.	2,500 sq. links	—	ditto	ditto	ditto, 10 l.
Fox, James	9 June 1836	"	E. $\frac{1}{2}$ 8	11	100	Medonte	Home	Discharged soldier, 28th regiment foot.
Fullerton, John	"	"	E. $\frac{1}{2}$ 7	9	—	ditto	ditto	ditto, 9th ditto.
Fisher, Donald	17 Mar. 1836	"	15	1	200	Macnab	Bathurst	Settler under Macnab.
FitzGerald, Maurice	12 May. 1836	"	S. $\frac{1}{2}$ 7	8	100	Emily	Newcastle	Emigrant settler, located by P. Robinson.
FitzGerald, Charles	9 June 1836	14	E. $\frac{1}{2}$ 4	6	—	Medonte	Home	Discharged soldier, 13th royal vet. batt.
Fenton, James	9 May 1832	"	E. part 27	3	90	Caledon	ditto	ditto, Glengary, light infantry.
Farley, Patrick	11 Aug. 1831	"	E. $\frac{1}{2}$ 22	4	100	Douro	Newcastle	ditto, 84th regiment.
Ferguson, Hugh	19 Jan. 1820	15	W. $\frac{1}{2}$ 20	9	—	Essa	Home	Militia claimant.
Foley, Darby	22 Mar. 1825	"	23	3	200	Marmora	Midland	Settlement fees paid, settlement duty performed.
Foster, George	9 June 1836	16	32	13	—	Emily	Newcastle	Discharged serjeant, 8th regiment foot.
Fortunato, Angelo	2 Oct. 1834	"	N. E. $\frac{1}{4}$ 8, E. part 7	6, 8	100	Marmora	Midland	Discharged soldier, De Watt. regiment.
Franklin, John	19 Jan. 1820	18	W. $\frac{1}{2}$ 29	2	—	ditto	ditto	Militia claimant.
Franklin, William	"	"	E. $\frac{1}{2}$ 1	1	—	ditto	ditto	ditto.
Franklin, Henry	"	"	E. $\frac{1}{2}$ 29	3	—	ditto	ditto	ditto.
Ferguson, Maria	11 Feb. 1836	"	E. $\frac{1}{2}$ 5, W. $\frac{1}{2}$ 6	5, 4	200	Vespra	Home	D. U. E.
Fraser, Henry	9 Jan. 1832	20	3	9	—	Fitzroy	Bathurst	S. U. E.
Fennell, Robert	20 June 1836	21	23, N. B. York-street	—	$\frac{1}{2}$	London	London	Fees paid, settlement duty performed.
French, Samuel	5 July 1832	"	E. $\frac{1}{2}$ 7	4	100	Medonte	Home	Discharged soldier, 6th regiment dragoons.
Foster, Thomas	12 Sept. 1833	"	E. $\frac{1}{2}$ 18	10	—	Vespra	ditto	ditto, 98th regiment.
Fraser, James	3 July 1834	22	E. $\frac{1}{2}$ 26	10	—	Zorra	London	ditto, Ross regiment militia.
Fraine, John	6 Sep. 1832	"	N. $\frac{1}{2}$ 11	4	—	Dummer	Newcastle	ditto, 17th regiment.
Fletcher, Dickinson	7 Dec. 1830	"	4	9	200	Gore, Toronto	Home	Crown sale, 162 l. 10s.
Frey, Adela	11 Feb. 1836	23	E. $\frac{1}{2}$ 13, E. $\frac{1}{2}$ 15	5, 6	—	Plympton	Western	D. U. E.
Ferguson, George	23 Sep. 1831	"	E. $\frac{1}{2}$ 14	6	100	Oro	Home	Discharged soldier, 15th regiment foot.
Flanagan, Patrick	2 Aug. 1832	"	Broken 10	3	55	W. Gwillimbury	ditto	ditto, 21st ditto.
Ferguson, James	12 June 1832	"	E. $\frac{1}{2}$ 6	9	100	Medonte	ditto	ditto, 25th ditto.
Fralick, Benjamin	19 Jan. 1820	24	S. $\frac{1}{2}$ 1	9	—	Tecumseth	ditto	Militia claimant.
Fraser, William	4 Aug. 1831	27	14	14	200	Oro	ditto	Serjeant royal artillery.
Fletcher, Edward	2 June 1819	29	E. $\frac{1}{2}$ 2	2	100	Chinguacousy	ditto	Settler, fees paid, settlement duty performed.
FitzGibbon, Thomas	8 June 1832	"	1	13	200	Oro	ditto	Discharged soldier, 5th dragoon guards.
Ferguson, Daniel	11 Feb. 1836	30	13	7	—	Belmont	Newcastle	S. U. E.
Grant, John	23 July 1832	April 21	N. $\frac{1}{2}$ s of 5 from 16 and 17 G. River.	—	—	Gloucester	Ottawa	ditto.
Gadd, Thomas	23 Dec. 1835	May 16	2, 3, 4, 5	1	112	Brantford	Gore	Indian lands.
Gillis, Donald	19 Nov. 1831	23	W. $\frac{1}{2}$ 32, E. $\frac{1}{2}$ 32	4	200	Eramosa	ditto	Full fee.
Gouin, Claude	19 Jan. 1820	24	12 & 13, N. E. $\frac{1}{4}$ 14	1	450	Moore	Western	Militia.
Gates, Joseph	"	25	N. $\frac{1}{2}$ 2	9	100	Sombra	ditto	ditto.
Grooms, Zephaniah	3 Jan. 1833	"	10	9	200	Richmond	Midland	S. U. E.
German, John	28 Feb. 1833	"	15	10	—	ditto	ditto	ditto.
Grant, William	5 Feb. 1835	"	1	12	—	Moore	Western	ditto.
Green, Benjamin, jun.	6 Sep. 1832	"	21, N. Edg.-road	1	—	Adelaide	London	ditto.
Grant, John	23 July 1832	"	E. & W. $\frac{1}{2}$ 1	5	—	Medonte	Home	Discharged serjeant.
Gallinger, Margaret	19 Dec. 1833	"	18	4	—	Ross	Bathurst	D. U. E.
Gale, Henry	19 Jan. 1820	26	12	4	—	Nottawasaga	Home	Militia.
Green, Archibald	27 Nov. 1834	"	11	7	—	Enniskillen	Western	S. U. E.
Griffiths, Michael	4 Sep. 1832	"	W. $\frac{1}{2}$ 7, S. Edg.-road	5	100	Adelaide	London	Discharged soldier.
Gordon, Michael	11 Feb. 1834	"	S. $\frac{1}{2}$ 1 & 2	5	200	Camden	Western	S. U. E.
Green, Braman	27 Nov. 1834	"	10	6	—	Enniskillen	ditto	ditto.
Grant, Alexander, jun.	10 Dec. 1823	"	N. part 18, Broken 19; Broken 15.	11, 13	—	Chatham	ditto	ditto.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Grant, Angus -	5 Feb. 1835	1836 : May 26	- E. $\frac{1}{2}$ 19, W. $\frac{1}{2}$ 1	7, 4	200	Medonte -	Home -	S. U. E.
Gordon, John -	19 Jan. 1820	"	- - - 6	2	-	Collingwood -	ditto -	Militia.
Garrison, Catharine -	3 Mar. 1836	May 28	- - - 8	4	-	ditto -	ditto -	D. U. E.
Gordon, Ephraim -	11 Feb. 1834	"	- N. $\frac{1}{2}$'s 1 & 2	5	-	Camden -	Western -	S. U. E.
Galloway, John -	7 Jan. 1824	"	- 24, N. Eg.-road	4	-	Warwick -	ditto -	ditto.
Gregg, William -	28 Nov. 1835	"	- - W. $\frac{1}{2}$ 16	9	100	Huntley -	Bathurst -	- - Emigrant, located by Hon. P. Robinson.
Gilmore, William -	28 Feb. 1829	"	- - - 31	11	200	Nottawasaga -	Home -	S. U. E.
Gillmore, Henry -	8 Dec. 1835	"	- - - 30	8	-	ditto -	ditto -	ditto.
Griffin, John -	19 Jan. 1820	- 30	- - S. $\frac{1}{2}$ 1	3	100	ditto -	ditto -	Militia.
Galvin, John -	28 Nov. 1835	"	- - E. $\frac{1}{2}$ 10	11	-	Ramsay -	Bathurst -	- - Emigrant, located by Hon. P. Robinson.
Green, Thomas -	"	"	N. W. $\frac{1}{4}$ 1, N. E. $\frac{1}{4}$ 1	3	-	Fitzroy -	ditto -	- ditto.
Green, John, jun. -	"	"	- - E. $\frac{1}{2}$ 21	7	-	Pakenham -	ditto -	- ditto.
Green, John, sen. -	"	"	- - E. $\frac{1}{2}$ 22	8	-	ditto -	ditto -	- ditto.
Garlough, Stephen -	19 Jan. 1820	"	- - N. $\frac{1}{2}$ 29	8	-	Nottawasaga -	Home -	Militia.
Griffin, Isaiah -	"	- 31	- - S. $\frac{1}{2}$ 44	11	-	ditto -	ditto -	ditto.
Glassey, Bridget -	9 May 1836	"	- - E. $\frac{1}{2}$ 16	5	-	Vespra -	ditto -	- - Widow of discharged soldier.
Green, Busted -	28 Nov. 1835	"	- - W. $\frac{1}{2}$ 22	8	-	Pakenham -	Bathurst -	- - Emigrants, located by Hon. P. Robinson.
Galvin, Denis -	"	June 1	- - E. $\frac{1}{2}$ 15	11	-	Ramsay -	ditto -	- - Executors of William Dunbar.
Grant, Robt. & others	33 C. C. Rept. July 1835	"	W. $\frac{1}{2}$ 19, E. $\frac{1}{2}$ 19	10	200	Zorra -	London -	Full fee.
Givens, James, jun. -	11 Aug. 1818	- 11	- - 1 and 2, 23	4, 5	600	Chatham -	Western -	Clergy reserve sale.
Green, John -	4 Feb. 1830	"	- - Rear $\frac{1}{2}$ 13	10	100	Elizabethtown -	Johnstown -	Full fee.
Givens, Adolphus -	11 Aug. 1818	"	- - 1, 1 and 4	2, 3	600	Moore -	Western -	S. U. E.
Glass, Samuel -	14 April 1836	- 13	17 S. side King-st.	-	-	Town of London -	London -	Full fee.
Goulding, James -	31 Mar. 1836	"	19, N. of York-st.	-	-	ditto -	ditto -	ditto.
Gordon, George -	7 Jan. 1836	"	- - Park, Lot 8, adj. Town Penetan.	-	20	Tiny -	Home -	Free.
Greggs, Eve -	19 July 1826	- 15	E. $\frac{1}{2}$ 17, W. $\frac{1}{2}$ 17	11	200	Harvey -	Newcastle -	D. U. E.
Gripton, Robert -	23 Aug. 1831	"	E. $\frac{1}{2}$ 13, S. Eg.-st.	7	100	Adelaide -	London -	Discharged corporal.
Gibson, James -	10 Aug. 1832	- 16	W. $\frac{1}{2}$ 17, N. Eg.-road	2	-	ditto -	ditto -	Discharged soldier.
Glynn, Thomas -	2 Aug. 1832	"	W. $\frac{1}{2}$ 16, N. Eg.-road	2	-	ditto -	ditto -	- ditto.
Gee, Henry -	23 July 1832	"	E. $\frac{1}{2}$ 5, N. Eg.-road	3	-	ditto -	ditto -	- ditto.
Galloway, James -	10 Aug. 1832	- 17	E. $\frac{1}{2}$ 2, N. Eg.-road	3	-	ditto -	ditto -	- ditto.
Gunsolus, Nancy -	13 June 1818	- 18	N. $\frac{1}{2}$ 32, S. $\frac{1}{2}$ 32	9	200	Hungerford -	Midland -	D. U. E.
Gilmore, Clarinda -	20 May 1817	"	W. $\frac{1}{2}$ 23, E. $\frac{1}{2}$ 20	1, 5	-	Nissouri -	London -	ditto.
Green, Elizabeth -	23 Dec. 1825	"	E. $\frac{1}{2}$ 22, W. $\frac{1}{2}$ 22	3	-	Marmora -	Midland -	ditto.
Gillard, James -	4 Feb. 1830	"	- - N. $\frac{1}{2}$ 23	8	100	Norwich -	London -	Clergy reserve sale.
Garrison, Caleb -	19 Jan. 1820	- 20	- - S. Part 16	14	-	Hungerford -	Midland -	Militia.
Griffin, Ebenezer, C. -	31 Mar. 1824	"	- W. $\frac{1}{2}$ 17 and 18	8	200	Garafraxa -	Gore -	Full fee.
Gruet, William -	6 Feb. 1836	"	E. $\frac{1}{2}$ 22, W. $\frac{1}{2}$ 22	13	-	Medonte -	Home -	Free.
Groom, John -	27 June 1833	"	- - - 5	7	-	Enniskillen -	Western -	S. U. E.
Gilman, David -	19 Jan. 1820	- 21	- - N. $\frac{1}{2}$ 2	3	100	Nottawasaga -	Home -	Militia.
Gouin, Anthony -	6 Nov. 1834	"	- - - 1	8	200	Collingwood -	ditto -	Free.
Groves, John -	7 Dec. 1830	- 22	E. $\frac{1}{2}$ 3, N. division	7	100	Toronto, Gore -	ditto -	Crown land sale.
Green, William -	19 Jan. 1820	- 23	- - W. $\frac{1}{2}$ 32	6	-	Dawn -	Western -	Militia.
Green, William -	1 Mar. 1832	"	E. $\frac{1}{2}$ 32, W. $\frac{1}{2}$ 32	5	200	ditto -	ditto -	S. U. E.
Garlick, Jacob -	19 Jan. 1820	- 24	- - S. $\frac{1}{2}$ 10	10	100	Mara -	Home -	Militia.
Gurnett, George -	7 Dec. 1830	- 25	12, W. of Bay-street	-	-	Town of Credit -	ditto -	Crown land sale.
Graham, Thomas -	"	"	30, on Dunlop-street	-	-	Town of Barrie -	ditto -	ditto.
Gates, Daniel -	12 July 1831	- 27	N. E. $\frac{1}{4}$ 9, N. W. $\frac{1}{4}$ 9	7	100	Dummer -	Newcastle -	Discharged soldier.
Gates, Henry -	27 June 1836	- 28	- - Part of 1	7	107	Brantford -	Gore -	Indian lands.
Hallock, Mary -	27 Nov. 1834	Apr. 25	1 & 2 E. Givens-st., 1 & 2 Winnett-st.	-	2	- - Town of Woodstock.	London -	Free.
Holme, William -	7 Dec. 1830	May 7	- 23, 24, 27, 23, 24, 25, 26, 27, 28	3	458	Brantford -	Gore -	Crown land sale.
Henderson, Jonathan -	5 Nov. 1835	- 14	- - - 3	7	200	Bastard -	Johnstown -	Full fee.
Hawkins, Andrew -	4 May 1836	- 6	- - 73, W. of Penetanguishene-road.	-	-	Flos -	Home -	Discharged serjeant.
Hill, Nathaniel -	27 Aug. 1833	- 20	- - - 25	9	-	Collingwood -	ditto -	S. U. E.
Hawley, Isabel -	7 Feb. 1833	"	E. $\frac{1}{2}$ 25, W. $\frac{1}{2}$ 25	18	-	Harvey -	Newcastle -	D. U. E.
Hart, Mary -	24 Mar. 1836	- 23	- - W. $\frac{1}{2}$ 21	6	100	Eldon -	ditto -	- - Widow of discharged soldier.
Hicks, Joseph -	8 May 1833	"	- E. $\frac{1}{2}$ 7, W. $\frac{1}{2}$ 7	6	200	Belmont -	ditto -	S. U. E.
Holmes, Joseph -	19 Jan. 1820	- 24	- - W. $\frac{1}{2}$ 8	8	100	Plympton -	Western -	Militia.
Hilts, George G. -	"	- 25	- - E. $\frac{1}{2}$ 2	-	-	Mono -	Home -	ditto.
Hawley, Abijah -	11 July 1833	"	- - S. $\frac{1}{2}$ 19, N. E. part 24, E. R. E. part 6.	3, 13	200	Adelaide -	London -	S. U. E.
Hartel, Rachel -	8 Nov. 1832	"	- - - 18	4	-	Warwick -	Western -	D. U. E.
Hawn, Purlina -	28 Oct. 1835	"	- - - 13	2	-	Nottawasaga -	Home -	ditto.
Haines, Joseph -	19 Jan. 1820	- 27	- - - 17	5	100	Madoc -	Midland -	Militia.
Hill, Nathaniel -	12 May 1836	"	- - 1, E. Vansittart-st., 1, W. Light-street.	-	1	- - Town of Woodstock.	London -	Free.
Hawley, Jephtha -	21 Mar. 1833	"	18, by W. boundary	10	200	Richmond -	Midland -	S. U. E.
Hawley, James C. -	28 Feb. 1833	"	14, by W. boundary	10	-	ditto -	ditto -	ditto.
Hawley, Charlotte -	3 Oct. 1833	"	- - - 17	1	-	Enniskillen -	Western -	D. U. E.
Hukkiaru, Lurentz -	4 Feb. 1830	"	Rear, $\frac{1}{2}$ 34, Front $\frac{1}{2}$ 34	7, 8	200	Puslinch -	Gore -	Clergy reserve sale.
Holcomb, John -	19 Jan. 1820	- 28	- - W. $\frac{1}{2}$ 6	4	100	Enniskillen -	Western -	Militia.
House, Joseph -	"	"	- - - 3	11	200	Moore -	ditto -	ditto.
Hanes, David -	"	"	- - E. $\frac{1}{2}$ 17	4	100	Madoc -	Midland -	ditto.
Hutchens, John -	"	"	- - W. $\frac{1}{2}$ 14	5	-	ditto -	ditto -	ditto.
Hickey, John -	"	"	- - W. $\frac{1}{2}$ 13	4	-	ditto -	ditto -	ditto.
Harvey, John -	"	"	- - E. $\frac{1}{2}$ 18	6	-	Enniskillen -	Western -	ditto.
Hurdiphant, William -	"	"	- - S. $\frac{1}{2}$ 2	2	-	Collingwood -	Home -	ditto.
Hubbell, Justus -	"	"	- - S. $\frac{1}{2}$ 24	6	-	ditto -	ditto -	ditto.
Hamilton, Sidney S. -	17 Mar. 1836	"	- 21, N. part 19	2	200	ditto -	ditto -	S. U. E.
Hare, Margaret -	18 Feb. 1836	"	- - - 22	9	-	Enniskillen -	Western -	D. U. E.
Hollister, William -	9 May 1834	"	- - - 4	6	-	Collingwood -	Home -	S. U. E.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Hartman, Susannah	25 Jan. 1834	1836: May 28	N. part 9, and Brok. 10; and Brok. 6.	15, 17	200	Chatham - -	Western - -	D. U. E.
Hazen, Mary - -	6 Feb. 1819	"	- - - 14	1	-	Nottawasaga - -	Home - -	ditto.
Hunt, Lewis - -	7 Aug. 1834	"	- - - 39	12	-	ditto - -	ditto - -	S. U. E.
Hunt, Thomas - -	"	"	- - - 35	10	-	ditto - -	ditto - -	ditto.
Hoffman, Christopher	29 Sept. 1834	"	S. $\frac{1}{2}$ 8, N. $\frac{1}{2}$ 8	12	-	Sombra - -	Western - -	ditto.
Hoffman, William -	4 Apr. 1833	"	- - - 13	6	-	Moore - -	ditto - -	ditto.
Hoshall, Anna - -	17 July 1817	"	- - - 46	12	-	Nottawasaga - -	Home - -	D. U. E.
Huyck, Elizabeth -	7 Feb. 1821	"	- - - 20	3	200	Collingwood - -	ditto - -	ditto.
Hartwell, Thomas -	2 Apr. 1835	"	E. $\frac{1}{2}$ 12, W. $\frac{1}{2}$ 12	1	-	Dummer - -	Newcastle - -	Free.
Hare, William - -	26 Dec. 1834	"	- 15 E. Baldoon-st., N. $\frac{1}{2}$ 20 E. division.	5	-	Dover - -	Western - -	ditto.
Hawn, Jacob - -	8 Jan. 1835	"	36, 39, W. Bals.-st.	- -	-	ditto - -	ditto - -	ditto.
Hartley, Abraham K.	27 Nov. 1834	"	- 5, E. division	5	-	ditto - -	ditto - -	ditto.
Huff, William - -	19 Jan. 1820	- 30	- - - E. $\frac{1}{2}$ 6	6	100	Belmont - -	Newcastle - -	Militia.
Hart, James - -	"	"	- - - W. $\frac{1}{2}$ 19	11	-	ditto - -	ditto - -	ditto.
Haines, Peter - -	"	"	33 Front Concession	- -	-	Plympton - -	Western - -	ditto.
Hausinger, John - -	"	"	- - - E. $\frac{1}{2}$ 32	6	-	Dover - -	ditto - -	ditto.
Hickey, William - -	28 Nov. 1835	"	- - - E. $\frac{1}{2}$ 16	11	-	Ramsay - -	Bathurst - -	Emigrants located by Hon. P. Robinson.
Hayley, Patrick - -	"	"	- - - E. $\frac{1}{2}$ 9	2	-	ditto - -	ditto - -	Militia.
Holmes, Peter - -	19 Jan. 1820	- 31	- - - N. $\frac{1}{2}$ 35	6	-	Nottawasaga - -	Home - -	Discharged soldier.
Harlin, Michael - -	5 May 1836	"	N.E. pt. 24, N.pt. 24	1, 2	-	Brook - -	ditto - -	Emigrant, located by Hon. P. Robinson.
Haley, Denis - -	28 Nov. 1835	June 1	- - - W. $\frac{1}{2}$ 7	1	-	Ramsay - -	Bathurst - -	Crown land sale.
Hart, Samuel - -	7 Dec. 1830	"	- 18, 6th-street	- -	1	Cornwall - -	Eastern - -	- ditto.
Hart, Samuel - -	"	"	19, S. side of 6th-st.	- -	1	ditto - -	ditto - -	- ditto.
Huntindon, Arunah	"	"	- 3, N. s Dalhousie-st. 25,000 sq. links.	- -	-	Town of Brantford	Gore - -	- ditto.
Heeney, Thomas - -	"	"	- 31, N. s. Colborne-st. 20,000 sq. links.	- -	-	ditto - -	ditto - -	- ditto.
Huffman, Peter - -	2 Nov. 1834	"	- - - 23	9	100	Portland - -	Midland - -	S. U. E.
Huffman, Peter - -	"	"	- - - 52	5	50	Camden - -	ditto - -	ditto.
Hunt, Stephen - -	19 Jan. 1820	"	- - - N. $\frac{1}{2}$ 30	9	100	Nottawasaga - -	Home - -	Militia.
Helmer, Joseph - -	"	"	- - - N. $\frac{1}{2}$ 33	8	-	ditto - -	ditto - -	ditto.
Hess, John - -	"	- 3	- - - N. $\frac{1}{2}$ 6	5	-	Colchester - -	Western - -	ditto.
Heward, James - -	"	"	- N. and S. $\frac{1}{2}$ 27 and 28; N. $\frac{1}{2}$ 27.	15, 14	500	Sombra - -	ditto - -	- Ensign, Western rangers.
Hall, William - -	7 Dec. 1830	"	- Water Lot in front of Town, Lot No. 10, W. Russell-st.	- -	2	Town of Sandwich	ditto - -	Crown land sale.
Huff, Asa Bell - -	2 May 1833	- 6	- N. $\frac{1}{2}$ s B. and C.	7	200	Sombra - -	ditto - -	- Discharged artificer, R. N.
Hughson, Robert - -	19 Jan. 1820	- 9	- 114, E. of Penetanguishene-road.	- -	195	Tay - -	Home - -	Militia.
House, John, jun. -	7 Dec. 1825	- 10	- W. halves 2, W. H. 13 and 14, street	- -	-	Mulmer - -	ditto - -	S. U. E.
Hopper, Mary - -	24 Apr. 1835	"	- 4, South Eg.-road	1	200	Warwick - -	Western - -	D. U. E.
Hough, Isaac - -	25 July 1833	"	- - - 14	5	-	St. Vincent - -	Home - -	Discharged artificer.
Hanan, Denis - -	12 May 1836	- 11	- - - S. $\frac{1}{2}$ 24	12	100	Smith - -	Newcastle - -	- Emigrant, located by Hon. P. Robinson.
Hogoboom, Gilbert	4 Feb. 1830	"	- - - 31	7	200	Ernestown - -	Midland - -	Clergy reserve sale.
Hanes Christoph., jun.	5 Sept. 1833	"	- - - 4	7	-	Moore - -	Western - -	S. U. E.
Hough, Isaac - -	21 May 1834	"	32, S. Malden-road	- -	-	Colchester - -	ditto - -	- Discharged from Kingston dock-yard.
Hunter, James - -	11 Oct. 1832	"	- 18, fronting W. s. Muskrat Lake.	- -	-	Westmeath - -	Bathurst - -	S. U. E.
Hughson, Jacob - -	25 Feb. 1836	- 13	- - - 19	4	-	Darlington - -	Newcastle - -	Full fee.
Harvey, Robert - -	12 May 1836	"	W. $\frac{1}{2}$ 12, S. Eg.-road	7	100	Adelaide - -	London - -	Discharged soldier.
Hanan, George - -	"	"	- - - N. $\frac{1}{2}$ 24	12	-	Smith - -	Newcastle - -	- Emigrant, located by Hon. P. Robinson.
Hartwick, Nelson -	31 Mar. 1836	"	- - - N. $\frac{1}{2}$ 26	12	-	London - -	London - -	- Settler, located by Col. Talbot.
Hassell, William -	7 Dec. 1830	- 14	23, S. side of 4th-st.	- -	1	Cornwall - -	Eastern - -	Crown land sale.
Hoffman, Jacob - -	19 Jan. 1820	"	- - - E. $\frac{1}{2}$ 30	2	100	Warwick - -	Western - -	Militia.
Harper, James - -	27 Sept. 1833	"	S. $\frac{1}{2}$ 12, S. $\frac{1}{2}$ 16.	4	200	Seymour - -	Newcastle - -	Lieutenant, R. N.
Harper, James - -	3 Dec. 1835	"	- 14 and 16 S. of road through Mohawk tract.	- -	-	Tyendinaga - -	Midland - -	- ditto.
Hart, James - -	10 Aug. 1832	- 15	- 5, S. Eg.-road.	2	-	Adelaide - -	London - -	Dischd. farrier-major.
Hughes, John - -	23 July 1832	"	- - - W. $\frac{1}{2}$ 13	9	100	Eldon - -	Newcastle - -	Discharged soldier.
Healey, James - -	2 Aug. 1832	- 16	- - - W. $\frac{1}{2}$ 5	3	-	Adelaide - -	London - -	- ditto.
Hanlon, Michael -	13 June 1836	- 17	- - - E. $\frac{1}{2}$ 30	9	-	Otanabee - -	Newcastle - -	- Emigrant, located by Hon. P. Robinson.
Hacket, Wilson - -	4 Feb. 1830	"	- - - 17	4	-	Oxford, West - -	London - -	Clergy reserve sale.
Holmes, James - -	"	"	- - - S. $\frac{1}{2}$ 16	4	-	Norwich - -	ditto - -	ditto.
Huntsberger, Henry	7 Dec. 1830	"	- - - 11	6	102 $\frac{1}{2}$	Cayuga - -	Niagara - -	Crown land sale.
Hannan, Charles -	13 June 1836	"	- 41, East N. branch of Talbot-road.	- -	200	Southwold - -	London - -	Full fee.
House, Peter - -	9 June 1836	"	- 31, S. on Talbot-road, east.	- -	-	ditto.	ditto - -	- Settler, located by Col. Talbot.
Horton, William -	19 Jan. 1820	- 18	- - - E. $\frac{1}{2}$ 31	8	100	Nissouri - -	ditto - -	Militia.
Henry, Mary - -	7 Feb. 1833	"	- - - 10	9	200	Moore - -	Western - -	D. U. E.
Hayward, Paul - -	Land Board, dist. N. Castle	"	- - - S. $\frac{1}{2}$ 22	3	100	Maripossa - -	Newcastle - -	Full fee.
Haywood, Noahdiah	"	"	- - - N. $\frac{1}{2}$ 22	3	-	ditto - -	ditto - -	ditto.
Hamblin, Silas - -	19 Jan. 1820	- 20	- - - W. $\frac{1}{2}$ 6	5	-	Fitzroy - -	Bathurst - -	Militia.
Hallahan, Thomas -	13 June 1836	"	- - - W. $\frac{1}{2}$ 19	9	-	Otanabee - -	Newcastle - -	- Emigrant, located by Hon. P. Robinson.
Hynes, John - -	23 July 1832	- 21	- - - W. $\frac{1}{2}$ 1	3	-	Medonte - -	Home - -	Discharged soldier.
Henderson, Thomas	23 Dec. 1825	- 22	W. $\frac{1}{2}$ 29, S. E. $\frac{1}{2}$ 29	7	150	Otanabee - -	Newcastle - -	Full fee.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Harrison, John -	15 Oct. 1819	1836 : June 23	- - W. $\frac{1}{2}$ 17	7	100	Esquesing -	Gore -	Full fee.
Howden, Gustavus -	4 Feb. 1830	"	- - W. $\frac{1}{2}$ 17	10	-	Cavan -	Newcastle -	Clergy reserve sale.
Henderson, Jane -	14 Jan. 1812	"	- - 90 and 91, W. of Penetanguish.-rd.	2	200	Tiny -	Home -	D. U. E.
Hardy, John -	16 Aug. 1831	- 24	- - E. $\frac{1}{2}$ 6	13	100	Oro -	ditto -	- - Pensioner, royal artillery.
Hawke, Anthon B.	7 Dec. 1830	- 25	- - 12 E. side of Port street.	-	$\frac{1}{4}$	- - Town of Port Credit.	ditto -	Crown land sale.
Healy, John -	"	- 27	W $\frac{1}{2}$ 4, N. Division 8	-	100	Gore Toronto -	ditto -	- ditto.
Higgins, William -	9 Sep. 1819	"	E. $\frac{1}{2}$ 4, 3 E. of H. st.	-	-	Chinguacousy -	ditto -	- ditto.
Hicks, William -	8 May 1833	- 30	- - E. $\frac{1}{2}$ 9, W. $\frac{1}{2}$ 9	5	200	Belmont -	Newcastle -	S. U. E.
Johnston, George -	11 July 1833	May 24	- - - 16	6	-	Warwick -	Western -	ditto.
Jackson, Erastus -	4 Dec. 1834	- 26	- - - 6	1	-	Nottawasaga -	Home -	ditto.
Jackson, Mark -	"	"	- - - 7	1	-	ditto -	ditto -	ditto.
Ivir, George -	4 Feb. 1836	"	- - - E. $\frac{1}{2}$ 9	2	100	Adelaide -	London -	Discharged soldier.
Johnston, Ann -	27 Nov. 1834	"	- - - 27	2	200	Enniskillen -	Western -	D. U. E.
Johnston, Ann M.	28 Oct. 1835	"	- - - 9	13	-	ditto -	ditto -	ditto.
Johnston, John -	28 Mar. 1833	"	- - - 20	5	-	Gloucester -	Ottawa -	Discharged serjeant.
Jessup, Francis K.	28 Nov. 1835	- 27	- E. $\frac{1}{2}$ 13, W. $\frac{1}{2}$ 14	10, 12	100	Ramsay -	Bathurst -	- - Settler, located by Colonel Talbot.
Jones, David D.	19 Jan. 1820	- 28	- - N. $\frac{1}{2}$ 45	11	-	Nottawasaga -	Home -	Militia.
Johnson, Justin -	"	"	- - S. $\frac{1}{2}$ 15	1	-	ditto -	ditto -	ditto.
Jones, Stephen -	"	June 1	- 32 and 34, E. $\frac{1}{2}$ 31	5	500	ditto -	ditto -	- - Militia, commander of gun-boat during the war.
Jefferson, John -	7 Dec. 1830	"	- - E. $\frac{1}{2}$ 2	8	100	Vaughan -	ditto -	Crown sale, 62 l. 10 s.
Johnson, Isaac -	19 Jan. 1820	- 3	- - Part of 5	3	-	Alnwick -	Newcastle -	Militia.
Jameson, James -	8 Jan. 1835	- 6	- - - 16	1	200	Collingwood -	Home -	Discharged artificer.
Joyce, Thomas -	13 July 1819	- 9	- - - E. $\frac{1}{2}$ 7	4	100	Esquesing -	Gore -	- - Patent fee and survey paid.
Johnston, David -	10 Mar. 1834	- 10	- - - 26	14	200	Plympton -	Western -	S. U. E.
Jameson, John -	9 June 1836	- 13	- - - E. $\frac{1}{2}$ 1	13	100	Medonte -	Home -	Discharged seaman.
Jackson, William -	21 July 1831	"	- - S. $\frac{1}{2}$ 16	7	-	Ops -	Newcastle -	Discharged soldier.
James, Thomas -	2 Aug. 1832	- 16	- - W. $\frac{1}{2}$ 11	2	-	Adelaide -	ditto -	- ditto.
Jameson, Robert -	19 Jan. 1833	- 17	- - W. $\frac{1}{2}$ 2	6	-	Colchester -	Western -	- ditto.
Johnson, John -	2 Aug. 1832	"	- - W. $\frac{1}{2}$ 4	2	-	Adelaide -	London -	- ditto.
Johnston, Robert -	11 July 1833	- 18	- - - 11	7	200	Warwick -	Western -	S. U. E.
Johnson, Cornelius -	19 Jan. 1820	- 20	- - Part 24	11	100	Bruck -	Home -	Militia.
Jones, Philip -	"	"	- - Part 14	10	-	Hungerford -	Midland -	ditto.
Johnston, James -	10 Mar. 1834	- 21	- - - 22	5	200	Collingwood -	Home -	S. U. E.
Jones, James -	24 Mar. 1819	- 23	- - W. $\frac{1}{2}$ 13	8	100	Brock -	ditto -	- - Patent fee and survey paid.
Joice, Patrick -	20 Oct. 1832	"	- - E. $\frac{1}{2}$ 5	2	-	Orillia -	ditto -	Discharged soldier.
Johnson, Thomas -	27 Oct. 1832	- 24	- - W. $\frac{1}{2}$ 18	8	-	Albion -	ditto -	- ditto.
Jones, Ann -	30 May 1835	- 30	- - - 9	6	200	Belmont -	Newcastle -	D. U. E.
Kimmerley, George -	27 Sep. 1833	May 4	- - - 36	8	-	Nottawasaga -	Home -	S. U. E.
Kains, Thomas -	18 Apr. 1821	- 18	{ 19, 20, and 8	1	400	Westmeath -	Bathurst -	Purser, R. N.
Kennedy, Laney -	9 Mar. 1816	- 24	- W. $\frac{1}{2}$ 24, E. $\frac{1}{2}$ 26	3, 5	200	Dawn -	Western -	D. U. E.
Knigh, Sally -	6 Dec. 1832	- 25	- - - 13	6	-	Warwick -	ditto -	ditto.
Kettle, Jeremiah -	7 May 1835	"	- - N. $\frac{1}{2}$ 17, 18	11	-	Sombra -	ditto -	S. U. E.
Kintner, Frederick -	19 Jan. 1820	- 26	- - W. $\frac{1}{2}$ 13	7	100	Plympton -	ditto -	Militia.
Kilborn, Hiram -	"	"	- - S. $\frac{1}{2}$ 26	8	-	Collingwood -	Home -	ditto.
Kerlin, John -	5 Sep. 1833	"	- - - 18	6	200	Moore -	Western -	S. U. E.
Kendrick, Joseph -	10 Apr. 1834	- 27	- - Part 6	4	50	Yonge -	Johnstown -	Discharged soldier.
King, Robert -	23 May 1836	"	- - W. $\frac{1}{2}$ 1	5	100	Horton -	Bathurst -	Military emigrant.
Ketcheson, William -	19 Jan. 1820	- 28	- 11 and 13, E. $\frac{1}{2}$ 4	6, 7	500	Madoc -	Midland -	Militia (ensign).
Kennedy, Timothy -	28 Nov. 1835	"	- - E. $\frac{1}{2}$ 21	11	100	Huntley -	Bathurst -	- - Located by Hon. P. Robinson.
Keefe, John -	"	"	- - W. $\frac{1}{2}$ 20	10	-	ditto -	ditto -	- ditto.
Kennedy, John -	"	"	- - W. $\frac{1}{2}$ 19	10	-	ditto -	ditto -	- ditto.
Kinney, John -	"	- 20	- - E. $\frac{1}{2}$ 7	5	-	Ramsay -	ditto -	- ditto.
King, Walter -	18 June 1817	- 31	- - E. $\frac{1}{2}$ 11	10	-	Cavan -	Newcastle -	- - Patent fee and survey paid.
Kingsmill and Williams -	11 Feb. 1836	"	{ N. $\frac{1}{2}$ and S. E. $\frac{1}{2}$ 3	6	200	Seymour -	{ ditto -	{ - In lieu of Lot 10, 14th Con. Cavan, surrendered.
Kennelly, William -	23 June 1834	June 2	- - Part 2, 12	5, 2	30	Otanabee -	-	-
Keane, William -	8 June 1835	- 6	- - E. $\frac{1}{2}$ 21	8	-	Brock -	ditto -	- Patent fee and survey paid.
Kay, William -	11 Jan. 1834	- 10	- - Part 12	1	-	Seymour -	Newcastle -	Discharged soldier.
Keating, Nicholas -	9 June 1836	"	- - E. $\frac{1}{2}$ 25	2	-	Otanabee -	- ditto -	Purser, R. N.
Kropp, Salome -	8 Jan. 1835	- 11	- $\frac{1}{4}$ 17, Erb's-road	-	50	Wilmot -	Gore -	- - Located by Hon. P. Robinson.
Klinkerbromer, Chas.	20 July 1825	"	- - E. $\frac{1}{2}$ 11	2	100	Brock -	Home -	Half patent free.
Kirkpatrick, Helen -	4 Sep. 1834	"	- - - 11	3	200	Belmont -	Newcastle -	- - Patent fee and survey paid.
Kells, James -	28 Sep. 1832	- 13	- - - 24	7	-	Ops -	- ditto -	D. U. E.
Kelly, Thomas -	9 June 1836	"	- - E. $\frac{1}{2}$ 10	9	-	Medonte -	Home -	Discharged serjeant.
Kerr, John -	8 Jan. 1823	- 14	- - S. $\frac{1}{2}$ 9	10	100	W. Gwillinbury -	ditto -	Discharged soldier.
Killman, William -	8 Feb. 1827	"	- Parts 14 and 15	1	200	Esquesing -	Gore -	Reg'ns, 1 Jan. 1820.
Kinna, Timothy -	13 June 1836	- 15	- - E. $\frac{1}{2}$ 2	10	100	Adelaide -	London -	S. U. E.
Keys, John -	"	"	- - - 24	1	200	ditto -	ditto -	Discharged soldier.
Killogg, Deborah -	19 Aug. 1833	- 20	- - - 29	5	-	Plympton -	Western -	Discharged serjeant.
Keller, Mary Ann -	20 Oct. 1819	"	- - 52, 53	2	-	Flos -	Home -	D. U. E.
Knap, Sarah -	4 Feb. 1830	- 23	- - - 14	6	-	Marlborough -	Johnstown -	ditto.
Kinghorn, Andrew -	28 June 1832	"	- - W. $\frac{1}{2}$ 6	5	100	Medonte -	Home -	ditto.
Keating, Richard -	10 Aug. 1832	"	- - S. $\frac{1}{2}$ 19	11	-	Tecumseth -	ditto -	Discharged soldier.
Kingsmill, George -	23 June 1836	- 25	- - E. $\frac{1}{2}$ 4	6	-	Essa -	ditto -	- ditto.
Kerr, William J. -	7 Dec. 1830	"	- - A Tract	-	228	Blandford -	Gore -	Crown land sale, 228 l.
King, John -	"	- 27	- - 3, Bay-street	-	$\frac{1}{2}$	Port Credit -	Home -	- ditto. 14 l. 10 s.
Keller, Daniel -	5 Nov. 1835	- 28	- E. $\frac{1}{2}$ 21, W. $\frac{1}{2}$ 21	2, 5	200	Enniskillen -	Western -	S. U. E.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Kyle, William	8 June 1832	1836 : June 30	- - - W $\frac{1}{2}$ 1	12	100	Oro	Home	Discharged soldier.
Lenox, Ann E.	4 Sep. 1834	Apr. 26	- - - - 13	9	200	Collingwood	ditto	D. U. E.
Longchamp, John	2 July 1835	- 28	- Parts of 21, 23, 25	4	462	Tyendinaga	Midland	Commander, R. N.
Loughton and Roe	7 Dec. 1830	May 6	- 5, Dunlop-street	-	25,000 square links.	Barrie	Home	Crown land sale, 157.
Logan, Eleanor	10 Mar. 1834	- 23	- - - E. $\frac{1}{2}$'s 4, 5	2	200	Melanethon	ditto	D. U. E.
Lane, John	19 Jan. 1820	- 25	- - - N. $\frac{1}{2}$ 35	4	100	Nottawasaga	ditto	Militia.
Levi, Frederick	9 May 1836	"	- 230, Talbot-road	-	200	Mersea	Western	-- Located by Colonel Talbot.
La Porte, Lewis	19 Jan. 1820	- 26	- - - Part 25	15	100	Raleigh	ditto	Militia.
Louckes, Peter J.	"	"	- - - W. $\frac{1}{2}$ 15	4	-	Madoc	Midland	ditto.
Lazier, James	"	"	- - - N. $\frac{1}{2}$ 5	5	-	Sombra	Western	ditto.
Lane, George	"	"	- - - S. $\frac{1}{2}$ 30	2	-	Nottawasaga	Home	ditto.
Lampman, Henry	28 Oct. 1835	"	- - - - 8	13	200	Enniskillen	Western	S. U. E.
Lewis, Thaddeus	12 June 1834	"	- - - - 6	5	-	Collingwood	Home	ditto.
Lee, Joseph	4 July 1833	"	- - - - 20	12	-	Nottawasaga	ditto	ditto.
Lymburner, Michael	7 Feb. 1831	"	- - - - 42	11	-	ditto	ditto	ditto.
Lindsay, Ralph B.	4 Dec. 1834	"	- - - - 11	2	-	ditto	ditto	ditto.
Lindsay, Lucius	27 Nov. 1834	"	- - - - 10	1	-	ditto	ditto	ditto.
Loucks, Isaac	7 Mar. 1833	"	- - - Parts 13, 14	11	-	Richmond	Midland	ditto.
Loucks, Charles	"	"	- - - Parts 11, 12	11	182	ditto	ditto	ditto.
Loucks, George	18 May 1833	"	- - - - 12	10	200	ditto	ditto	ditto.
Loucks, Margaret	2 Oct. 1834	"	- - - - 21	5	-	Sombra	Western	D. U. E.
Lester, Abraham	26 Dec. 1834	"	- - - - 29	2	-	Nottawasaga	Home	-- Discharg. artificer, Kingston dock-yard.
Laforty, Joseph	6 Sep. 1832	- 30	- - - - 3	8	-	Leeds	Johnstown	Discharged serjeant.
Lynch, Patrick	28 Nov. 1835	"	- - - - 21	1	-	Pakenham	Bathurst	-- Located by Hon. P. Robinson.
Lambier, Francis	7 Dec. 1830	June 1	- - - - 1	1	68	Cayuga	Niagara	Crown land sale, 517.
Lester, Lavey	4 Sep. 1834	- 10	- - - - 4	2	200	Mulmer	Home	D. U. E.
Lighthall, William	30 June 1834	- 11	33, 34, Malden-road	-	-	Colchester	Western	Discharged artificer.
Landeyan, Michael	12 May 1836	- 13	- - - W. $\frac{1}{2}$ 21	8	100	Douro	Newcastle	-- Emigrant, located by Hon. P. Robinson.
Leahy, David	"	"	- - - W. $\frac{1}{2}$ 19	5	-	Asphodel	- ditto	ditto.
Lawler, Neil	9 June 1836	"	- - - W. $\frac{1}{2}$ 1	12	-	Medonte	Home	Discharged soldier.
Legore, Baptiste	19 Jan. 1820	"	- - - N. $\frac{1}{2}$ 10	10	-	Mara	ditto	Militia.
Loucks, Jacob	18 May 1833	"	- - - - 11	10	200	Richmond	Midland	S. U. E.
Landers, Edward	7 July 1831	- 14	- - - Part 17	17	100	Otanabee	Newcastle	Discharged soldier.
Labatte, Louis G.	31 May 1830	- 15	- - - S. $\frac{1}{2}$ 16	17	-	Tiny	Home	ditto.
Lucy, Jane	9 June 1836	"	- - - W. $\frac{1}{2}$ 7	8	-	Medonte	ditto	-- Widow of discharged soldier.
Lynes, Cornelius	13 June 1836	- 16	- - - N. $\frac{1}{2}$ 20	11	-	Emily	Newcastle	-- Emigrant settler, Hon. P. Robinson.
Little, John	28 Feb. 1833	"	- - - - 20	5	200	Marmora	Midland	Discharged artificer.
Langford, John	26 Mar. 1836	"	- - - - 18	1	-	Zone	Western	-- Located by Colonel Talbot.
Lally, James	24 Apr. 1835	- 17	- - - W. $\frac{1}{2}$ 1	1	100	Marmora	Midland	Discharged soldier.
Lundy, Azariah	19 Jan. 1820	- 18	- - - W. $\frac{1}{2}$ 1	2	-	Enniskillen	Western	Militia.
Lewis, Benjamin	2 Sep. 1830	"	- - - - 23	12	200	Dawn	ditto	S. U. E.
Leslie, William	9 May 1836	"	- - - - 11	10	-	Innisfil	Home	Discharged serjeant.
Leahy, Phoebe	8 June 1832	- 18	- - - - 27	8	-	Marlborough	Johnstown	D. U. E.
Leman, James	19 Jan. 1820	- 20	- - - Parts 36, 34	1 & 3	100	Garafraxa	Gore	Militia.
La Garde, Eustache	26 May 1836	"	- - - 10, Point-street	-	$\frac{1}{2}$	Penetanguishene	Home	Free.
Lymburner, Robert	4 Feb. 1836	- 21	- - - - 2	10	200	Collingwood	ditto	S. U. E.
Lane, Allan	10 Mar. 1819	- 24	- - - E. $\frac{1}{2}$ 30	3	100	Esquesing	Gore	-- Patent fee and survey paid.
Landon, John	3 Apr. 1834	"	7, 1st range, 37, 28	4	340	Tyendinaga	Midland	Captain, on half-pay.
Lumby, William	9 June 1836	- 25	- - - N. $\frac{1}{2}$ 29	6	100	London	London	-- Located by Colonel Talbot.
La Chapelle, Joseph	19 Jan. 1820	- 27	- - - Part 11	14	-	Innisfil	Home	Militia.
Markley, George	4 Feb. 1830	Apr. 20	- - - - 22	8	200	Williamsburgh	Eastern	-- Clergy reserve sale, 100 l.
McDonald, Arch., assignee of P. Eamer.	-155th claim, com. rt. 1834.	"	- - - E. $\frac{1}{2}$ 8	9	50	Cornwall	ditto	Military claimant.
McQueen, James	5 Sep. 1833	May 6	- 24, Talbot-road	-	200	Southwold	London	-- Located by Colonel Talbot.
Merrill, Samuel	119th clm.'35	- 16	- - - - 22	1	-	Hinchinbrooke	Midland	Fees remitted.
Mitchell, George	6 Apr. 1836	- 18	- - - N. $\frac{1}{2}$ 7	2	100	London	London	-- Colonel Talbot's settler.
McCall, Anet	16 July 1816	"	- - - - 1	6	200	Sarnia	Western	D. U. E.
Meredith, Abraham	27 June 1833	- 19	- - - W. $\frac{1}{2}$'s 21, 22	2	-	Dawn	ditto	S. U. E.
Mocclair, Thomas	7 Aug. 1834	"	- - - - 22	6	-	Belmont	Newcastle	Discharged artificer.
McDougald, William	26 Mar. 1836	- 24	- - - S. $\frac{1}{2}$ 6	7	100	Tilbury, East	Western	-- Located by Colonel Talbot.
McGee, Andrew	4 Feb. 1836	"	- - - E. $\frac{1}{2}$ 3	9	-	Ops	Newcastle	Discharged soldier.
Mason, Hugh	28 July 1819	"	- - - E. $\frac{1}{2}$ 13	10	-	Trafalgar	Gore	-- Patent fee and survey paid.
Moore, Mary L.	4 Apr. 1833	"	- - - - 6	9	200	Moore	Western	D. U. E.
Merckley, Elizabeth	20 May 1819	"	- - - - 8	5	-	Sombra	ditto	ditto.
M'Lean Barbara	5 Nov. 1818	"	- - - - 8	4	-	ditto	ditto	ditto.
Martin, Denis	26 Nov. 1831	"	- - - E. $\frac{1}{2}$ 17	7	100	Vespra	Home	Discharged soldier.
M'Henry, Edward	3 Apr. 1828	"	- - - S. $\frac{1}{2}$ 10	3	-	Maripossa	Newcastle	ditto.
M'Pherson, James	28 Oct. 1835	"	- - - W. $\frac{1}{2}$ 4	10	-	Dummer	ditto	Military emigrant.
Medcalf, Henry	2 May 1836	- 25	- - - - 4	5	200	Bayham	London	-- Located by Colonel Talbot.
M'Kay, Angus	27 June 1833	"	- - - - 5	6	-	Plympton	Western	S. U. E.
M'Donnell, Catherine	8 May 1833	"	- - - W. $\frac{1}{2}$ 17	7 & 8	-	ditto	ditto	D. U. E.
M'Lean, Hannah	7 May 1828	"	- - - - 30	4	-	Nottawasaga	Home	ditto.
Myers, Jacob W.	19 Jan. 1820	- 26	- - - - 1	9	800	Madoc	Midland	Militia (captain).
M'Dougall, Angus	"	"	- - - 13, 6, 17, 20	11	100	Enniskillen	Western	ditto.

UPPER CANADA: PAPERS RELATING TO SIR F. B. HEAD.

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RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
M ^r Arthur, Neil	19 Jan. 1820	1836 : May 26	- - - W. $\frac{1}{2}$ 2	16	100	Chatham -	Western -	Militia (captain).
M ^r Call, Daniel	"	"	E $\frac{1}{2}$ 23, 25, E $\frac{1}{2}$ 19, 24	6, 7	600	Plympton -	ditto -	- ditto.
M ^r Farlane, Malcolm	25 Aug. 1819	"	- - - W. $\frac{1}{2}$ 7	3	100	Esquesing -	Gore -	- - Patent fee and survey paid.
Myers, Jacob W.	30 Aug. 1797	"	- - - E. $\frac{1}{2}$ 3	9	-	Madoc -	Midland -	Reg ⁿ s, 9 July 1796.
Marrison, John	14 Nov. 1825	"	- - - E. $\frac{1}{2}$ 8	9	-	Huntley -	Bathurst -	- - Patent fee and survey paid.
Matthews, George	9 Feb. 1832	"	- - - - 14	9	200	Sombra -	Western -	S. U. E.
Myers, Jacob W.	7 Feb. 1833	"	- - - E. $\frac{1}{2}$ 2, W. $\frac{1}{2}$ 2	10	-	Madoc -	Midland -	ditto.
Mosure, Nicholas	8 Dec. 1835	"	- - - N. $\frac{1}{2}$ 5 and 6	8	-	Sombra -	Western -	ditto.
Mosure, Lewis, jun.	28 Oct. 1835	"	- - - N. $\frac{1}{2}$ 20, 22	4	-	ditto -	ditto -	ditto.
Middagh, George	19 April 1816	"	- - - E. $\frac{1}{2}$ 25, W. $\frac{1}{2}$ 25, W. of H. Street.	4	-	Caledon -	Home -	ditto.
Miller, Edward	2 April 1835	"	- - - S. $\frac{1}{2}$ 29, 30	8	-	Sombra -	Western -	ditto.
Marsh, Mary	10 Oct. 1834	"	- - - S. $\frac{1}{2}$ 5, 6	6	-	ditto -	ditto -	D. U. E.
Miller, Pacta	7 Mar. 1827	"	N. $\frac{1}{2}$ 18, S. W. $\frac{1}{2}$ 17	13, 14	-	Garafraxa -	Gore -	ditto.
Merills, Catherine	1 July 1830	"	- - - - 7	3	-	Collingwood -	Home -	ditto.
Manhart, Mary	3 Oct. 1833	"	- - - W. $\frac{1}{2}$ 16, W. $\frac{1}{2}$ 19	2, 3	-	Esquesing -	Gore -	ditto.
M ^r Donald, Mary	6 Nov. 1834	"	- - - S. $\frac{1}{2}$ 7, N. $\frac{1}{2}$ 7	11	-	Sombra -	Western -	ditto.
M ^r Intire, John	28 Feb. 1835	"	- - - - 24	3	-	Nottawasaga -	Home -	S. U. E.
Miller, Eliza Elizabeth	28 Mar. 1835	"	- - - S. $\frac{1}{2}$ 30, N. $\frac{1}{2}$ 30	9	-	Sombra -	Western -	D. U. E.
Mitchell, Robert	4 Feb. 1830	- 27	- - - E. $\frac{1}{2}$ 24	3	100	Lansdowne -	Johnstown -	Clergy reserve sale.
M ^r Gregor, Alexander	"	"	- - - - 9	7	200	Beckwith -	Bathurst -	ditto.
M ^r Queen, Alexander	"	"	- - - N. $\frac{1}{2}$ 12	2	100	Woodhouse -	London -	ditto.
Morrow, Alexander	"	"	- - - - 20	4	-	Hope -	Newcastle -	ditto.
Middagh, Benjamin	11 Feb. 1836	"	- - - - 36	9	200	Nottawasaga -	Home -	S. U. E.
Mills, Joseph	19 Jan. 1820	"	- - - 28 and 29	9	100	Brooke -	Western -	Militia.
Millar, Adam	"	"	- - - - 30	2	-	Ancaster -	Gore -	ditto.
Moss, Peter	"	"	- - - E. $\frac{1}{2}$ 3	5	-	Enniskillen -	Western -	ditto.
M ^r Intyre, Joseph	26 Dec. 1835	"	- - - - 14	-	200	Ross -	Bathurst -	S. U. E.
M ^r Naughton, Alex.	7 Mar. 1827	"	- - - - 13	10	-	ditto -	ditto -	ditto.
M ^r Arthur, Duncan	4 Sep. 1834	"	- - - W. $\frac{1}{2}$ Broken 24; E. $\frac{1}{2}$ Broken 24.	5, 6, 7, 6, 7	-	Medonte -	Home -	ditto.
M ^r Grigor, Alexander	8 Dec. 1835	"	- - - W. $\frac{1}{2}$ 18, E. $\frac{1}{2}$ 18	5	-	ditto -	ditto -	ditto.
Mitchell, David	4 April 1833	"	- - - - 13	7	-	Moore -	Western -	ditto.
Miller, Jacob	10 Oct. 1834	"	- - - - 10	3	-	Plympton -	ditto -	ditto.
M ^r Micking, James	15 May 1835	"	- - - - 41	11	-	Nottawasaga -	Home -	ditto.
Miller, Justus	4 Dec. 1834	"	- - - - 1	5	-	Collingwood -	ditto -	ditto.
Miller, Luke C.	"	"	- - - - 3	-	-	ditto -	ditto -	ditto.
M ^r Donell, Ranald	27 Nov. 1834	"	- - - S. $\frac{1}{2}$ 21, N. $\frac{1}{2}$ 21	12	-	Sombra -	Western -	ditto.
M ^r Millan, Margaret	28 Feb. 1835	"	- - - S. $\frac{1}{2}$ 23, N. $\frac{1}{2}$ 23	-	-	ditto -	ditto -	D. U. E.
M ^r Dougall, Helen	2 July 1829	"	- - - E. $\frac{1}{2}$ 1, W. $\frac{1}{2}$ 1	6 N. div.	-	Orillia -	Home -	ditto.
M ^r Intyre, Mary	26 Dec. 1834	"	- - - - 14	8	-	Ross -	Bathurst -	ditto.
Munro, Isabella	4 Sep. 1834	"	- - - W. $\frac{1}{2}$ 7 and 9, E. $\frac{1}{2}$ 3.	3 N. div. 2	-	Orillia -	Home -	ditto.
M ^r Kay, Eliabeth	8 Dec. 1835	"	- - - - 8, 10	N. div.	-	ditto -	ditto -	ditto.
Masters, Katharine	18 July 1833	"	- - - S. $\frac{1}{2}$ 30, N. $\frac{1}{2}$ 30	10	-	Hungerford -	Midland -	S. U. E.
M ^r Naughton, Mary	8 Dec. 1835	"	- - - - 15	8	200	Ross -	Bathurst -	D. U. E.
M ^r Taggart, Deborah	21 Mar. 1833	"	- - - W. and E. $\frac{1}{2}$ 23	8	-	Madoc -	Midland -	ditto.
M ^r Kenzie, Lucretia	5 Sep. 1833	"	- - - E. and W. $\frac{1}{2}$ 7	7	-	Belmont -	Newcastle -	ditto.
M ^r Kenzie, Caroline	"	"	- - - Broken, 22, 23, 24	4	-	ditto -	ditto -	ditto.
Morgan, Mary	1 July 1830	"	- - - - 7	8	-	Plympton -	Western -	ditto.
M ^r Quinn, Leslie	2 Aug. 1832	"	- - - W. $\frac{1}{2}$ 9	5	100	Adelaide -	London -	Discharged soldier.
Mann, Patrick	28 Nov. 1835	"	- - - E. part 2	12	70	Ramsay -	Bathurst -	- - Emigrant, located by Hon. P. Robinson.
M ^r Neil, William	6 Dec. 1832	- 28	- - - S. $\frac{1}{2}$ 25, N. $\frac{1}{2}$ 25; N. part. 25.	13, 14	200	Raleigh -	Western -	S. U. E.
Mantle, James	28 Nov. 1835	"	- - - W. $\frac{1}{2}$ 27, E. $\frac{1}{2}$ 27	10	140	Huntley -	Bathurst -	- - Emigrant, located by Hon. P. Robinson.
M ^r Cormick, John	19 Jan. 1820	"	- - - 5 and 6 E. $\frac{1}{2}$ 6	6, 7	500	Gosfield -	Western -	Militia.
May, James	"	"	- - - E. $\frac{1}{2}$ 24	9	100	Nissouri -	London -	ditto.
Merkley, Jacob H.	"	"	- - - - 29	6	200	Nottawasaga -	Home -	ditto.
M ^r Nearin, William	"	"	- - - E. $\frac{1}{2}$ 2	8	100	Bathurst -	Bathurst -	ditto.
Mann, Timothy	28 Nov. 1835	"	- - - E. $\frac{1}{2}$ 23	12	80	Beckwith -	ditto -	- - Emigrant, located by Hon. P. Robinson.
Mealy, Patrick	"	"	- - - W. $\frac{1}{2}$ 1	5	100	Pakenham -	ditto -	- ditto.
Marsales, Peter	19 Jan. 1820	- 31	- - - N. $\frac{1}{2}$ 29	10	-	Nottawasaga -	Home -	Militia.
M ^r Carty, John	28 Nov. 1835	"	- - - W. $\frac{1}{2}$ 9	8	-	Goulbourn -	Bathurst -	- - Emigrant, located by Hon. P. Robinson.
Mara, James	"	"	- - - E. $\frac{1}{2}$ 13	10	-	ditto -	ditto -	- ditto.
Mann, Mercy	17 Mar. 1836	June 1	- - - - 1	6	200	Gosfield -	Western -	D. U. E.
Marsales, Garret	19 Jan. 1820	"	- - - S. $\frac{1}{2}$ 22	10	100	Nottawasaga -	Home -	Militia.
M ^r Bride, Thomas	"	"	- - - S. $\frac{1}{2}$ 3	4	-	Dover -	Western -	ditto.
M ^r Kenny, Thomas	- - Land board district of Newcastle.	"	- - - S. $\frac{1}{2}$ 17	15	-	Mariposa -	Newcastle -	As a settler.
Moons, Christeen	30 June 1819	"	- - - - 20	10	200	Dover -	Western -	D. U. E.
M ^r Cloeskey, John	7 July 1831	"	- - - W. $\frac{1}{2}$ 3, E. $\frac{1}{2}$ 3	9	-	Medonte -	Home -	Discharged serjeant.
M ^r Pherson, David	28 Feb. 1835	"	- - - E. $\frac{1}{2}$ 4	8	100	Dummer -	Newcastle -	Scotch emigrant.
M ^r Laren, Duncan	4 Feb. 1830	"	- - - E. $\frac{1}{2}$ 24	9	-	Beckwith -	Bathurst -	Clergy reserve sale.
M ^r Gavin, Michael	28 Nov. 1835	"	- - - E. $\frac{1}{2}$ 25	1	-	Ramsay -	ditto -	- - Emigrant, located by Hon. P. Robinson.
M ^r Arthur, Donald	19 Jan. 1820	"	- - - W. $\frac{1}{2}$ 12	1	-	Horton -	ditto -	Militia.
Moran, David	7 Dec. 1830	"	- - - - 7	-	103	Big Island -	Prince Edward -	Crown lands sale.
M ^r Leod, Murdock	19 Jan. 1820	"	- - - - 33	-	100	Ross -	Bathurst -	Militia.
M ^r Laughlin, John	"	"	- - - - 28	2	200	Plympton -	Western -	ditto.
Murphy, Daniel	19 Mar. 1836	- 6	- - - W. $\frac{1}{2}$ 1	1	100	Dummer -	Newcastle -	Discharged soldier.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Moss, James -	31 Mar. 1824	1836. June 6	- - E. $\frac{1}{2}$ 20	12	100	Moore -	Western -	As seaman, R. N.
M'Kutcheon, Thos. -	2 Aug. 1832	"	- - E. $\frac{1}{2}$ 16, north of Egd.-road.	2	-	Adelaide -	London -	Discharged soldier.
M'Kernan, John -	26 July 1832	"	- - W. $\frac{1}{2}$ 26	4	-	Dummer -	Newcastle -	- ditto.
M'Laughlin, William -	19 Jan. 1820	" 9	- - S. $\frac{1}{2}$ 6	9	-	Mara -	Home -	Militia.
M'Cracker, Hugh -	"	"	- - N. $\frac{1}{2}$ 4	10	-	ditto -	ditto -	- ditto.
Murphy, Denis -	3 June 1836	" 10	- - E. $\frac{1}{2}$ 2	2	-	Marmora -	Midland -	- - Emigrant, located by Hon. P. Robinson.
Mills, Robert -	28 April 1836	"	- - Rear or E. $\frac{1}{2}$ 3	1	-	Ramsay -	Bathurst -	Discharged corporal.
M'Donell, Donald -	19 Jan. 1820	"	- - S. $\frac{1}{2}$ 10	9	-	Thorah -	Home -	Militia.
Morse, Moses -	- - 56th claim, com. rep. B. 2, in July 1831.	"	- - W. $\frac{1}{2}$ 4, in front of Lot 4, in the first conces. on the Bay of Quinte.	-	46	Sidney -	Midland -	Assignee of W. Marsh.
M'Donald, Daniel -	10 Dec. 1832	"	- - - 6	7	200	Moore -	Western -	S. U. E.
M'Burney, Hugh -	24 April 1833	"	- - E. $\frac{1}{2}$ 16	3	100	Eldon -	Newcastle -	Discharged soldier.
Murray, John -	9 May 1836	" 11	- - - 41, 41	8, 9	200	Grimsby -	Niagara -	Full fee.
Moore, John -	2 June 1836	"	- - N. $\frac{1}{2}$ 16	4	50	Saltfleet -	Gore -	ditto.
Musselman, Frederick	8 Jan. 1835	"	- - Front 50 acres of Lot 1, south of Erb's-road.	-	-	Wilmot -	ditto -	ditto.
M'Donald Finley -	14 April 1836	" 13	- - 16, on north side of King-street.	-	$\frac{1}{2}$	Town of London -	London -	ditto.
Murphy, Jeremiah -	2 June 1836	"	- - W. $\frac{1}{2}$ 2	2	100	Marmora -	Midland -	- - Emigrant, located by Hon. P. Robinson.
M'Clure, Samuel -	9 June 1836	"	- - E. $\frac{1}{2}$ 3	7	-	Medonte -	Home -	Discharged soldier.
M'Donald, William -	12 May 1836	"	- - N. $\frac{1}{2}$ 21	4	-	Smith -	Newcastle -	- - Emigrant, located by Hon. P. Robinson.
Mathers, Emanuel -	19 May 1836	"	- - 2 north Egd.-road	-	200	Adelaide -	London -	Discharged soldier.
Mitchell, James -	31 Mar. 1836	"	- - N. $\frac{1}{2}$ 20	3	100	London -	ditto -	- - Located by Col. Talbot.
Musson, John Patrick	5 Jan. 1835	"	- - 3, on south side of Dundas-street.	-	$\frac{1}{2}$	Town of London -	ditto -	Full fee.
Mosher, Reuben -	7 Oct. 1830	"	E. $\frac{1}{2}$ 3, Broken 17	3, 1	150	Sarnia -	Western -	S. U. E.
Mosher, Reuben -	"	"	- - E. $\frac{1}{2}$ 24	12	50	Moore -	ditto -	ditto.
Miller, John -	11 Aug. 1831	"	- - - 7	14	200	Emily -	Newcastle -	Discharged serjeant.
Madden, Thomas -	"	"	- - - 13	8	-	ditto -	ditto -	- ditto.
M'Carroll, Robert -	"	"	- - S. $\frac{1}{2}$ 14, 19	1	-	ditto -	ditto -	- ditto.
M'Burney, David -	15 June 1820	" 14	- - N. $\frac{1}{2}$ 23	6	100	Tecumseth -	Home -	Full fee.
Mills, James -	4 Feb. 1830	"	- - - 4	10	74	Marlborough -	Johnstown -	Clergy reserve sale.
M'Callum, Hugh -	7 Dec. 1830	"	- - 26, north side of 5th-street.	-	1	Town of Cornwall	Eastern -	Crown lands sale.
M'Donald, John -	8 Mar. 1826	"	- - W. $\frac{1}{2}$ 4, E. $\frac{1}{2}$ 4	7	100	Eldon -	Newcastle -	- - As follower of Mr. Donald Cameron.
Murray, Joseph -	8 Nov. 1831	"	- - W. $\frac{1}{2}$ 7	5	-	Douro -	ditto -	Discharged soldier.
Malouque, Hugh -	7 April 1831	"	- - E. $\frac{1}{2}$ 21, E. H. St.	4	-	Mono -	Home -	- ditto.
M'Dermid, John -	28 Sep. 1832	"	- - W. $\frac{1}{2}$ 1	11	-	Huntley -	Bathurst -	- ditto.
M'Intyre, Archibald -	--Land board, 5 Mar. 1835.	"	- - N. E. $\frac{1}{4}$ 24	9	50	Otanabee -	Newcastle -	Free.
M'Intyre, Duncan -	--Land board, dist. N. Castle.	"	- - S. E. $\frac{1}{4}$ 24	9	-	ditto -	ditto -	ditto.
M'Pherson, David -	13 June 1836	" 15	- - Lot 29, Egd.-road, E. $\frac{1}{2}$ 13, Egd.-road.	1, 4	300	Adelaide -	London -	- - Discharged quarter-master serjeant.
M'Irwain, Baptiste -	"	"	- - E. $\frac{1}{2}$ 1, south of Egd.-road.	13	100	ditto -	ditto -	Discharged soldier.
Morrow, Samuel -	"	"	- - E. $\frac{1}{2}$ 1, south of Egd.-road.	12	-	ditto -	ditto -	- ditto.
M'Condra, Thomas -	9 June 1836	"	- - W. $\frac{1}{2}$ 5	5	-	Medonte -	Home -	- ditto.
Marshall, James -	24 Nov. 1834	"	- - N. $\frac{1}{2}$ 4	8	-	Innisfil -	ditto -	Full fee.
M'Clure, James -	23 Dec. 1825	"	- - E. $\frac{1}{2}$ 14, 15	6	200	Essa -	ditto -	ditto.
M'Laughlin, Francis -	18 Aug. 1824	"	E. $\frac{1}{2}$ 1, E. H. Street	7	100	Mono -	ditto -	ditto.
M'Gee, James -	8 April 1819	"	- - N. $\frac{1}{2}$ 8	8	-	N. Gwillimbury -	ditto -	ditto.
Mangin, Matthew -	6 Sep. 1834	"	- - W. $\frac{1}{2}$ 1, south of Egd.-road.	6	-	Adelaide -	London -	Discharged soldier.
M'Kay, George -	7 July 1831	"	- - N. $\frac{1}{2}$ 72, E. Penetanguishene-road.	1	-	Medonte -	Home -	- ditto.
M'Carty, Dennis -	9 June 1836	" 16	- - W. $\frac{1}{2}$ 8	6	-	Douro -	Newcastle -	- - Settler under Hon. P. Robinson.
Messett, Patrick -	13 June 1836	"	- - E. $\frac{1}{2}$ 4, E. H. St.	1	-	Caledon -	Home -	Discharged soldier.
Mitchell, Elisha, jun. -	4 Feb. 1830	"	- - W. $\frac{1}{2}$ 16	4	-	N. Gwillimbury -	ditto -	Clergy reserve sale.
Menely, Andrew -	13 June 1836	"	- - 1 north of Egd.-rd.	1	200	Adelaide -	London -	Full fee.
Marshall, Alexander -	24 Nov. 1823	"	- - S. $\frac{1}{2}$ 4	8	100	Innisfil -	Home -	ditto.
Melotte, Paul, jun. -	17 Feb. 1825	"	- - 22, south side of 6th-street.	-	1	Town of Cornwall	Eastern -	ditto.
M'Donald, John -	19 Jan. 1825	"	- - 26 south side of 1st street.	-	1	ditto -	ditto -	ditto.
M'Corrick, Shepherd	18 July 1833	"	- - 16, north side of Egd.-road.	-	200	Adelaide -	London -	Lieutenant, R. N.
Middleton, William -	10 Aug. 1832	"	- - W. $\frac{1}{2}$ 1, south of Egd.-road.	4	100	ditto -	ditto -	Discharged soldier.
M'Kenna, Bernard -	"	"	- - E. $\frac{1}{2}$ 1, south of Egd.-road.	5	-	ditto -	ditto -	- ditto.
M'Hugh, Peter -	"	"	- - W. $\frac{1}{2}$ 1, south of Egd.-road.	5	-	ditto -	ditto -	- ditto.
M'Lean, Alexander -	7 Dec. 1830	" 17	- - 1, north of 1st-street.	-	1	Town of Cornwall	Eastern -	Crown lands sale.
Martin, James -	14 April 1836	"	- - 87, north on Talbot-road, E.	-	200	Malahide -	London -	- - Settler, located by Col. Talbot.
M'Gowen, Hugh -	18 Feb. 1836	"	- - N. E. $\frac{1}{4}$ 19	7	100	S. Sherbrooke -	Bathurst -	- - Located by quarter-master general's dept.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
M'Clure, David, jun.	21 Dec. 1825	1836: May 17	- - W. $\frac{1}{2}$ 15	6	100	Essa - -	Home - -	Full fee.
Miller, Robert -	23 July 1832	"	- - W. $\frac{1}{2}$ 5	2	-	Adelaide - -	London - -	Discharged soldier.
Mitton, Edward -	16 June 1836	" 18	10, N. or Middle-rd.	-	-	Howard - -	Western - -	- - Settler, located by Col. Talbot.
M'Ewan, Duncan -	4 Feb. 1830	"	- - N. W. $\frac{1}{2}$ 21	16	-	Beckwith - -	Bathurst - -	Clergy reserve sale.
M'Donald, Peter -	"	"	- - E. $\frac{1}{2}$ 27	2	-	Whitby - -	Home - -	- ditto.
Morgan, Elizabeth -	17 Feb. 1825	"	- - S. $\frac{1}{2}$ 7, N. $\frac{1}{2}$ 7	2	200	Flos - -	ditto - -	D. U. E.
Miller, Joseph -	4 Feb. 1836	" 20	- - S. $\frac{1}{2}$ 27	2	100	London - -	London - -	- - Settler, located by Col. Talbot.
M'Intyre, Malcolm -	14 Apr. 1836	"	- - N. $\frac{1}{2}$ 4, S. on Longwood's-road.	-	-	Ekfrid - -	ditto - -	- ditto.
Mitchell, Ephraim C.	13 June 1836	"	- - 118, N. of Talbot-road east.	-	200	Bayham - -	ditto - -	- ditto.
Moore, John -	19 Jan. 1820	"	- - E. $\frac{1}{2}$ 12	2	100	Enniskillen -	Western - -	Militia.
M'Arthur, Wm, sen.	18 Jan. 1834	"	- - N. & S. $\frac{1}{2}$'s 7	11	200	W. Gwillimbury -	Home - -	Full fee.
M'Donnell, Mary -	26 Aug. 1818	"	- - 16, N. 200 acres	8	-	Ross - -	Bathurst - -	D. U. E.
Millar, Elizabeth -	11 July 1833	"	- - N. part 11	14	-	Brocke - -	Western - -	ditto.
Marsh, Christine -	27 Aug. 1833	"	- - - 29	3	-	Plympton - -	ditto - -	ditto.
M'Donagh, Michael -	21 June 1832	"	- - E. $\frac{1}{2}$ 4	3	100	Adelaide - -	London - -	- - Free, as discharged soldier.
M'Neal, Hugh -	20 June 1836	" 21	- - 23, on the S. side of King-street.	-	$\frac{1}{2}$	Town of London	ditto - -	Full fee.
M'Tavish, John -	4 Feb. 1830	"	- - W. $\frac{1}{2}$ 17	9	100	Beckwith - -	Bathurst - -	Clergy reserve sale.
Matthews, Edward -	20 June 1836	"	- - 26, on the S. side of Dundas-st.	-	22,710 sq. links	Town of London	London - -	Full fee.
Morey, Samuel -	19 Jan. 1820	"	- - S. $\frac{1}{2}$ 28	5	100	Nottawasaga -	Hme - -	Militia.
M'Lean, George -	28 Sep. 1820	"	- - N. $\frac{1}{2}$ 39, E. of Penetanguishene-rd.	-	-	Oro - -	ditto - -	As a settler.
M'Guire, Patrick -	27 June 1833	"	- - E. $\frac{1}{2}$ 19	10	100	Vespra - -	ditto - -	Discharged soldier.
M'Dougall, David -	9 Dec. 1826	"	- - 44, west side of Penetanguishene-rd.	-	200	Flos - -	ditto - -	Discharged coxswain.
Morden, William -	6 Nov. 1834	"	- - - 5	9	-	Collingwood -	ditto - -	- - Discharged from Kingston dock-yard.
M'Masters, Ewen -	6 Feb. 1823	" 22	- - E. $\frac{1}{2}$ 13	1	100	Caledonia - -	Ottawa - -	Full fee.
Murray, John -	8 Aug. 1833	"	- - E. and W. $\frac{1}{2}$'s 29	12	200	Zorra - -	London - -	Discharged serjeant.
Monaghan, James -	8 Nov. 1832	"	- - W. $\frac{1}{2}$ 15	7	100	Vespra - -	Home - -	Discharged soldier.
M'Gowan, Robert -	20 Oct. 1832	"	- - E. $\frac{1}{2}$ 21, E. W. part W. $\frac{1}{2}$ 21.	14	-	ditto - -	ditto - -	- ditto.
Moore, George -	23 July 1832	" 23	- - - 56	2	-	Medonte - -	ditto - -	- ditto.
M'Lean, Archibald -	22 Apr. 1831	"	- - N. W. $\frac{1}{4}$ 4, S. E. $\frac{1}{4}$ 4	6, 5	-	Caledon - -	ditto - -	- ditto.
Mosher, Nicholas -	19 Jan. 1820	" 24	- - - 10	15	-	Tilbury, East -	Western - -	Militia.
M'Kenzie, John -	"	"	- - N. $\frac{1}{2}$ 14, 20; N. $\frac{1}{2}$ 22; S. $\frac{1}{2}$ 14, 16.	9, 10, 9	500	Mara - -	Home - -	ditto.
M'Cleran, Hugh -	26 July 1820	"	- - S. W. $\frac{1}{2}$ 4	5	50	Caledon - -	ditto - -	Free.
M'Nally, James -	- - Land board, Ottawa district.	" 25	- - E. $\frac{1}{2}$ 22, W. $\frac{1}{2}$ 22	6	200	Cumberland -	Ottawa - -	Full fee.
Monro, George -	7 Dec. 1830	"	- - 5, east of Toronto-st.	-	$\frac{1}{4}$	Town of Port Credit	Home - -	Crown land sale.
M'Gillis, Donald -	7 Feb. 1833	" 27	- - - 29	6	200	Enniskillen -	Western - -	S. U. E.
Mowat, John -	6 Sep. 1832	"	- - 18, S. part 19	11, 11	150, 50	Richmond - -	Midland - -	Free.
Mason, David -	3 Apr. 1819	" 28	- - W. $\frac{1}{2}$ 9	9	100	Trafalgar - -	Gore - -	Discharged soldier.
M'Leay, John -	27 June 1833	"	- - W. $\frac{1}{2}$ 18	1	-	Warwick - -	London - -	Seaman.
Miller, John -	30 June 1819	" 29	- - W. $\frac{1}{2}$ 5	6	-	Chinguacousey -	Home - -	As a settler.
Moorhead, Grimes -	6 Sep. 1832	"	- - N. $\frac{1}{2}$ 53	1	-	Medonte - -	ditto - -	Discharged corporal.
Nelles, John -	23 Dec. 1835	" 11	- - No. 1, Indian res.	-	325	Nelles Sett.	Ningara - -	- - Originally sold by Capt. Brant.
Nelles, Abraham -	27 Mar. 1829	" 17	- - - 21	1	200	Warwick - -	Western - -	S. U. E.
Nelles, Mary Ann -	25 Feb. 1831	" 18	- - - 13	6	-	Enniskillen -	ditto - -	D. U. E.
Norton, George -	19 June 1820	" 27	- - W. $\frac{1}{2}$ 10	10	100	Moore - -	ditto - -	Militia.
Nirding, Catherine -	28 Apr. 1835	"	- - 2, N. 1, 27, 26	9, 10	-	Albion - -	Home - -	- - Widow of discharged soldier, 62d regt. foot, for term of it for herself and children.
Nagle, Michael -	28 Nov. 1835	" 30	- - E. $\frac{1}{2}$ 19	5	-	Bathurst - -	Bathurst - -	- - Emigrant settler, located by Hon. P. Robinson.
Nagle, Garrett -	"	June 1	- - - 27	10	92	Ramsay - -	ditto - -	- ditto.
Nichol, John -	4 Feb. 1836	"	- - W. $\frac{1}{2}$ 1	11	100	Beckwith - -	ditto - -	- - Qr.-master general's department.
Nappen, Trueman -	19 Jan. 1820	" 3	- - W. $\frac{1}{2}$ 20	8	-	Belmont - -	Newcastle - -	- - Incorporated militia-man.
Numan, Charles -	12 May 1836	" 10	- - W. $\frac{1}{2}$ 29	10	-	Verulam - -	ditto - -	- - Emigrant, located by Hon. P. Robinson.
Nichol, Stephen -	13 June 1819	" 13	- - - 12	7	-	Smith - -	ditto - -	- - Fees paid, settlement duty performed.
Nagle, Gerard -	28 Nov. 1835	"	- - E. $\frac{1}{4}$ 26	9	-	Ramsay - -	Bathurst - -	- - Emigrant, located by Hon. P. Robinson.
Nelson, Thomas -	10 May 1820	" 16	- - W. $\frac{1}{4}$ 19	5	-	Otanabee - -	Newcastle - -	- - Settler, patent fee, settlement duty performed.
Nadeau, John -	5 Sep. 1833	"	- - - 14	3	200	Marmora - -	ditto - -	- - Discharged artificer, dock-yard, Kingston.
Nelles, Mary -	20 May 1817	" 18	- - - 27	10	-	Enniskillen -	Western - -	D. U. E.
Nelson, John -	14 Nov. 1831	" 24	- - S. $\frac{1}{2}$ 13, 14	1	100	Gwillimbury, W.	Home - -	- - Discharged soldier, 13th regt. dragoons.
Neubitt, James -	24 Mar. 1819	" 27	- - N. $\frac{1}{2}$ 4	1	-	Toronto - -	ditto - -	- - Fees paid, settlement duty performed.
Odell, John -	19 Jan. 1820	"	- - E. $\frac{1}{2}$ 17	11	-	Moore - -	Western - -	Militia.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders-in-Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Outwater, Elizabeth -	27 Nov. 1824	1836: May 27	E. $\frac{1}{2}$ 12, 13, 14	- -	200	Enniskillen	Western	D. U. E.
O'Bryan, Catherine -	27 June 1833	"	- - - 3	12	-	Chatham	ditto	ditto.
Ogden, Jane -	28 Oct. 1835	"	- - - 13	10	-	Sombra	ditto	ditto.
Orchard, Mary -	5 Apr. 1832	"	- - - 15	1	-	Enniskillen	ditto	ditto.
Orser, Joseph -	28 Feb. 1835	"	- - - 24	3	-	Sombra	ditto	S. U. E.
O'Beirn, Timothy -	28 Nov. 1835	- 30	- - W. $\frac{1}{2}$ 10	9	100	Ramsay	Bathurst	- - Emigrant, located by Hon. P. Robinson.
Olmstead, Ephraim -	19 Jan. 1820	- 31	- - W. $\frac{1}{2}$ 20	6	-	Ross	ditto	Militia.
O'Beirn, James -	"	June 1	- - S. $\frac{1}{2}$ 30	9	-	Nottawasaga	Home	ditto.
Ondercurk, Frederick -	"	"	- - S. $\frac{1}{2}$ 30	11	-	ditto	ditto	Militia.
O'Keefe, Patrick -	28 Nov. 1835	"	- - W. $\frac{1}{2}$ 15	11	-	Ramsay	Bathurst	- - Emigrant settler, located by Hon. P. Robinson.
O'Regan, John -	"	"	- - W. $\frac{1}{2}$ 15	9	-	ditto	ditto	- ditto.
O'Regan, Daniel -	"	"	- - E. $\frac{1}{2}$ 19	5	-	ditto	ditto	- ditto.
O'Reilly, Michael -	"	"	- - E. $\frac{1}{2}$ 20	5	-	ditto	ditto	- ditto.
O'Reefe, James -	12 May 1836	- 10	- - E. $\frac{1}{2}$ 17	1	-	Otanabee	Newcastle	- ditto.
O'Donald, Patrick -	9 June 1836	- 14	- - E. $\frac{1}{2}$ 2	6	-	Medonte	Home	- - Discharged soldier, 5th regiment foot.
Overholt, John -	26 May 1836	- 15	- - 140, S. Toronto-road, east.	- -	200	Houghton	London	- - Settler, located by Col. Talbot.
Oliver, George -	19 June 1820	- 18	- - E. $\frac{1}{2}$ 28	2	100	Marmora	Newcastle	Militia.
O'Beirn, John -	20 June 1836	- 21	- - 14, W. S. York-st.	- -	$\frac{1}{2}$	London	London	- - Fees paid, settlement duty performed.
O'Donell, John -	22 June 1832	- 22	- - S. $\frac{1}{2}$ 18	13	100	W. Gwillimbury	Home	- - Discharged soldier, 68th regiment.
O'Conner, Patrick -	6 June 1832	"	- - N. $\frac{1}{2}$ 12	7	-	Sunnidale	ditto	- - Discharged soldier, 66th regiment.
O'Beirn, John -	12 June 1829	- 27	- - 7, N. Chatham-st.	- -	$\frac{1}{2}$	Peterboro'	Newcastle	- - Fees paid, settlement duty performed.
Owen, Richard -	"	"	- - W. $\frac{1}{2}$ 27	7	100	Albion	Home	- ditto.
Philan, Mary -	28 Apr. 1836	May 10	- - E. $\frac{1}{2}$ 14	3	-	Douro	Newcastle	- - Widow of a discharged soldier.
Peack, John -	24 Mar. 1831	- 19	- - - 3	9	200	Chatham	Western	S. U. E.
Peck, James, jun. -	6 Oct. 1831	"	- - - 5	9	-	ditto	ditto	ditto.
Pettingell, Martin -	18 July 1834	"	- - - 18	1	-	Harvey	Newcastle	ditto.
Peters, Stephen -	24 Mar. 1835	- 24	- - E. $\frac{1}{2}$ 2, E. $\frac{1}{2}$ 7	2, 6	-	Sarnia	Western	ditto.
Peebles, Archibald -	6 Dec. 1832	"	- - - 26	1	-	Warwick	ditto	ditto.
Price, Abraham -	17 Mar. 1836	"	- - W. $\frac{1}{2}$ 26, 27	3	-	Dawn	ditto	ditto.
Phillips, John, jun. -	6 Apr. 1836	"	- - - 13	7 rood	-	Southwold	London	- - Settler under Col. Talbot.
Peebles, Alexander -	6 Dec. 1832	- 25	- - - 16	1	-	Warwick	Western	S. U. E.
Pearsall, Ann -	4 Sep. 1834	"	- - - 17	2	-	Plympton	ditto	D. U. E.
Perry, Mary -	7 Feb. 1833	"	- - - 25	8	-	ditto	ditto	ditto.
Palmer, Thomas -	26 Nov. 1823	"	- - - 31	6	-	Verulam	Newcastle	S. U. E.
Peterson, Samuel -	19 Jan. 1820	- 27	- - S. $\frac{1}{2}$ 9	5	100	Collingwood	Home	Militia.
Pollard, Francis -	"	"	- - N. $\frac{1}{2}$ 36	11	-	Nottawasaga	ditto	ditto.
Palmer, Jonathan -	17 Mar. 1825	"	- - - 14	3	200	Erin	Gore	Full fee.
Pettit, Robert -	10 Mar. 1819	"	- - W. $\frac{1}{2}$ 1	6	100	Trafalgar	ditto	ditto.
Palmer, Hazleton -	4 Dec. 1834	"	- - - 30	4	200	Enniskillen	Western	S. U. E.
Putnam, Jacob -	18 Feb. 1834	"	- - E. $\frac{1}{2}$ 6, 7	15	-	Garafraxa	Gore	ditto.
Putnam, Henry -	9 May 1824	"	- - W. $\frac{1}{2}$ 7, 8	16	-	ditto	ditto	ditto.
Park, Milo -	12 June 1834	"	- - - 6	4	-	Collingwood	Home	ditto.
Prindle, Drury -	4 Dec. 1834	"	- - - 17	4	-	Enniskillen	Western	ditto.
Palmer, Daniel -	22 Feb. 1834	"	- - - 23	10	-	ditto	ditto	ditto.
Platt, Watson -	2 Oct. 1834	"	- - - 25	2	-	Nottawasaga	Home	Discharged artificer.
Platt, Cornelius -	24 Mar. 1835	"	- - - 31	12	-	ditto	ditto	S. U. E.
Patrick, Hannah -	4 Sept. 1834	"	- - - 9	7	-	Enniskillen	Western	ditto.
Pickard, Elijah -	28 May 1832	"	- - - 3	5	-	Dover	ditto	ditto.
Phillips, Jehiel Hurd -	19 Jan. 1820	- 30	- - - 32	3	-	Nottawasaga	Home	- - Serjeant, incorporated militia.
Primer, Peter -	"	"	- - E. $\frac{1}{2}$ 32	9	100	ditto	ditto	Militia.
Parke, David -	"	- 31	- - E. $\frac{1}{2}$ 31	2	-	ditto	ditto	ditto.
Phelps, Crisina -	23 Dec. 1835	"	- - - 15	-	58	Brantford	Gore	Indian lands.
Pauling, Wm. Young -	27 Oct. 1834	"	- - - 15	2	200	Plympton	Western	S. U. E.
Phelan, John -	28 Nov. 1834	June 1	- - E. $\frac{1}{2}$ 18	1	100	Ramsay	Bathurst	- - Settler under P. Robinson.
Phelps, Peter, jun. -	19 Jan. 1820	- 3	- - Broken, 24	6, 7, 8	-	Maripossa	Newcastle	Militia.
Pardon, William -	28 June 1832	- 6	- - E. $\frac{1}{2}$ 14	4	-	Brook	Home	Discharged soldier.
Powell, Jacob -	19 Jan. 1820	- 9	- - - 20	5	200	Medonte	ditto	Militia serjeant.
Pomaville, Joseph -	"	- 10	- - S. $\frac{1}{2}$ 7	9	100	Mara	ditto	Militia.
Post, Sarah -	3 Apr. 1834	"	- - - 6	7	200	St. Vincent	ditto	D. U. E.
Parkes, Jason -	10 Mar. 1834	"	- - - 16	5	-	Plympton	Western	S. U. E.
Petts, Chesley -	19 June 1820	"	- - W. $\frac{1}{2}$ 16	1	100	Mulmer	Home	Militia.
Payette, Joseph -	20 Oct. 1819	- 14	- - W. $\frac{1}{2}$ 13	11	-	Lobo	London	Discharged soldier.
Potts, Ruth -	19 Aug. 1833	- 15	- - - 10	4	-	Sarnia	Western	D. U. E.
Pawling, Thomas -	4 Mar. 1824	"	- - S. $\frac{1}{2}$ 9	10	-	Hungerford	Midland	Militia.
Peterson, Leah -	6 Jan. 1827	"	- - - 8	11	200	ditto	ditto	D. U. E.
Pegley, Robert -	2 Aug. 1832	- 16	- - - 30	1	-	Adelaide	London	Late a quarter-master.
Purant, Hypolite -	19 Jan. 1820	- 18	- - W. $\frac{1}{2}$ 17	6	100	Sarnia	Western	Militia.
Pence, Frederick -	"	"	- - W. $\frac{1}{2}$ 29	3	-	Marmora	Midland	ditto.
Purdy, Joseph -	5 Feb. 1835	"	- - - 26	3	200	ditto	ditto	S. U. E.
Powley, Francis -	19 Jan. 1820	"	- - E. $\frac{1}{2}$ 29	2	100	ditto	ditto	Militia.
Park, Wm. Oxford -	13 June 1836	- 20	- - 23, N. Dundas-street	- -	$\frac{1}{2}$	Town of London	London	Full fee.
Pettit, John -	19 Jan. 1820	- 21	- - W. $\frac{1}{2}$ 1	10	100	Collingwood	Home	Militia.
Palmer, Daniel -	17 Mar. 1836	"	- - - 24	5	200	ditto	ditto	S. U. E.
Parker, Jeremiah -	18 June 1817	"	- - E. $\frac{1}{2}$ 2	1	100	Monaghan	Newcastle	As a settler.
Phair, William -	12 June 1832	"	- - - 7	4	200	Clark	ditto	Discharged soldier.
Ponton, Mongo -	4 Aug. 1831	- 22	- - - 14	13	-	Seymour	ditto	Free.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Parish, Horace -	19 Jan. 1820	1836 : June 24	- - - 14	1	200	Enniskillen -	Western -	Serjeant, militia.
Purdy, Samuel D. -	12 July 1820	"	- - - 26	2	-	Marmora -	Midland -	S. U. E.
Powell, John -	- - Adm. Sir J. Colborne.	- 25	- 7, W. Port-street	- -	4	- - Town of Port Credit.	Home -	Crown sale.
Pillsworth, Joseph -	"	- 27	- - 3, N. W. St.	- -	25,100 square links.	- - Town of Brantford.	Gore -	- ditto.
Perrin, Thomas -	27 June 1836	- 28	- - - -	- -	151	Brantford -	ditto -	Indian lands.
Quinn, Timothy -	28 Nov. 1835	- 1	- - - -	- -	-	Ramsay -	Bathurst -	Under P. Robinson.
Quiz, John -	10 Jan. 1832	- 6	- - - -	- -	-	Sarnia -	Western -	Discharged soldier.
Quinlan, John -	2 June 1836	- 10	- - - -	- -	-	Marmora -	Midland -	- - Settler, under P. Robinson.
Quail, Thomas -	9 June 1836	- 13	- - - -	- -	-	Medonte -	Home -	Discharged soldier.
Quinn, Christopher -	4 Jan. 1831	- 17	- - - -	- -	-	Smith -	Newcastle -	- ditto.
Quant, Henry -	5 Mar. 1823	- 18	- - - -	- -	-	Dawn -	Western -	S. U. E.
Rose, Andrew -	23 Dec. 1835	May 14	- - - -	- -	200	Brantford -	Gore -	Indian lands.
Randolph, Lyden -	12 Nov. 1827	- 17	- - - 11	4	-	Moore -	Western -	D. U. E.
Raymond, Margaret -	2 June 1819	"	- - - 26	6	-	ditto -	ditto -	ditto.
Rogers, John -	19 Jan. 1820	- 19	- - E $\frac{1}{2}$ 20	7	100	Marmora -	Midland -	Militia.
Ruttan, David -	11 Apr. 1833	- 20	- - - -	- -	200	Garafraxa -	Gore -	S. U. E.
Redman, Robert -	19 Jan. 1820	- 24	- - E $\frac{1}{2}$ 19	8	100	Ramsay -	Bathurst -	Militia.
Ramah, Sarah -	27 June 1833	"	- - - 21	6	200	Dover -	Western -	S. U. E.
Rockwood, Phoebe -	7 Aug. 1834	- 25	- - - 33, 34	2	-	Pembroke -	Bathurst -	auto.
Ressequire, Timothy -	22 June 1825	- 26	- E $\frac{1}{2}$ 30; 29, 30	14, 13	500	Plympton -	Western -	Late Queen's rangers.
Robideaux, Jean B. -	- - Adm. Sir J. Colborne.	- 27	- - S. $\frac{1}{2}$ 73	6	100	Malden -	ditto -	Clergy reserve sale.
Ross, Leonard -	19 Jan. 1820	- 28	- - E. $\frac{1}{2}$ 2	16	-	Chatham -	ditto -	Militia.
Ross, Colin -	22 July 1824	"	- - - 28	9	200	Belmont -	Newcastle -	S. U. E.
Rowe, George -	7 Feb. 1833	"	- - N. $\frac{1}{2}$ 4	14	100	Tecumseth -	Home -	Discharged soldier.
Rouschom, Hannah -	11 Feb. 1836	"	- - - 12	1	200	Nottawasaga -	ditto -	D. U. E.
Robinson, Lucinda -	17 May 1836	"	- - - 2	6	-	Gosfield -	Western -	ditto.
Ryan, Cornelius -	28 Nov. 1835	"	- - W. $\frac{1}{2}$ 4	2	100	Ramsay -	Bathurst -	- - Settler, under P. Robinson.
Rickley, Andrew -	19 Jan. 1820	- 30	- - - 25	11	-	Belmont -	Newcastle -	Militia.
Rae, James -	28 Nov. 1835	"	- - - 21	5	-	Ramsay -	Bathurst -	Under P. Robinson.
Rutherford, Joseph -	8 June 1817	- 31	- - - 11	10	-	Cavan -	Newcastle -	Full fee.
Reilly, William -	29 Apr. 1824	"	- - - 2	6	-	Adjala -	Home -	ditto.
Roach, Maurice -	12 May 1836	June 14	- - W. $\frac{1}{2}$ 14	14	-	Otanabee -	Newcastle -	Under P. Robinson.
Reardon, Jeremiah -	9 June 1836	- 15	- - E. $\frac{1}{2}$ 5	7	-	Medonte -	Home -	Discharged soldier.
Ross, Arthur -	11 Sep. 1832	"	- - W. $\frac{1}{2}$ 2	12	-	Adelaide -	London -	- ditto.
Ryan, William -	2 Aug. 1832	- 16	- - E. $\frac{1}{2}$ 19	2	-	ditto -	ditto -	- ditto.
Rolly, James -	6 Sep. 1832	"	- - W. $\frac{1}{2}$ 12	4	-	ditto -	ditto -	- ditto.
Ryan, Matthew -	11 Oct. 1832	"	- - W. $\frac{1}{2}$ 11	8	-	Marmora -	Midland -	- ditto.
Rutledge, John -	22 Apr. 1819	- 17	- - E. $\frac{1}{2}$ 11	5	-	Toronto -	Home -	- - Patent fee and survey paid.
Rollings, William -	6 Sep. 1832	"	- - - 8	4	200	Vespra -	ditto -	Discharged soldier.
Rogers, James -	24 Oct. 1831	"	- - - 29	11	-	Smith -	Newcastle -	- ditto.
Richardson, John -	2 June 1836	- 18	- - - 24	3	-	Marmora -	Midland -	S. U. E.
Runion, Henry -	20 Oct. 1832	"	- - - 7	1	-	Flos -	Home -	ditto.
Robinson, Henry -	5 May 1819	- 20	- - - 6	1	-	Oro -	ditto -	- - Patent fee and survey paid.
Roblin, Mary -	28 Feb. 1835	"	- - - 4	5	-	Plympton -	Western -	D. U. E.
Reynolds, William -	19 Jan. 1820	"	- - N. $\frac{1}{2}$ 14	5	100	Pickering -	Home -	Militia.
Rorison, Robert -	27 Jan. 1819	"	- - N. $\frac{1}{2}$'s 9, 10	2	200	Leeds -	Johnstone -	S. U. E.
Routledge, Thomas -	13 June 1836	"	- - S. $\frac{1}{2}$'s 25, 26	4	-	London -	London -	- - Located by Colonel Talbot.
Ryan, Thomas -	19 Jan. 1833	"	- - E. $\frac{1}{2}$ 2	6	100	Colchester -	Western -	Discharged soldier.
Rocke, Richard -	29 Sept. 1824	- 31	- - N. $\frac{1}{2}$ 13, 14	8	-	Tecumseth -	Home -	Full fee.
Rocke, George -	26 July 1826	"	- - S. $\frac{1}{2}$ 13	8	-	ditto -	ditto -	ditto.
Rankin, Thomas -	12 June 1832	"	- - E. $\frac{1}{2}$ 25, 26	8	200	Madoc -	Midland -	S. U. E.
Rowe, John -	31 Mar. 1836	"	- - N. $\frac{1}{2}$ 30	3	100	Malahide -	London -	Under Col. Talbot.
Rowley, Mary -	3 Dec. 1835	"	- - - 16	2	200	Nottawasaga -	Home -	D. U. E.
Ruttan, Margaret -	28 Oct. 1835	"	- - - 32	11	-	ditto -	ditto -	ditto.
Rosseau, George -	3 Apr. 1834	"	- - E. $\frac{1}{2}$ 13, 14, 15	4	500	Moore -	Western -	- - Lieutenant, Indian department.
Radeliff, John -	28 Oct. 1833	"	- - - 13, 14	1	400	Adelaide -	London -	Lieutenant, R. N.
Robinson, Thomas -	12 July 1831	"	- - S. part 14.	11	100	Ops -	Newcastle -	Discharged soldier.
Rowley, John -	3 Nov. 1831	"	- - N. $\frac{1}{2}$ 70	1	-	Flos -	Home -	- ditto.
Rahilly, Timothy -	28 Nov. 1835	June 1	- - E. $\frac{1}{2}$ 7	4	-	Ramsay -	Bathurst -	Under P. Robinson.
Riorden, William -	"	"	- - E. $\frac{1}{2}$ 23	5	-	ditto -	ditto -	- ditto.
Rittenhouse, Michael -	- - Adm. Sir J. Colborne.	"	- - - 10	6	120	Cayuga -	Niagara -	Crown sale.
Rolet, John -	"	"	- - - 12	3	100	Dummer -	Newcastle -	- ditto.
Reynolds, Ebenezer -	19 Jan. 1820	- 3	- - - -	-	-	Moore -	Western -	Major, militia.
Rauge, James -	21 July 1831	- 6	- - - 15	8	200	Dummer -	Newcastle -	Discharged serjeant.
Raymond, Stephen -	14 Apr. 1831	- 10	- - N. $\frac{1}{2}$ 13, S. on Long Wood-road.	-	100	Carradoc -	Western -	Full fee.
Rogers, John -	1 May 1834	"	- - - 19	5	200	Plympton -	ditto -	S. U. E.
Ross, George -	4 Feb. 1836	"	- - - 16	2	-	Eldon -	Newcastle -	Discharged serjeant.
Roach, Patrick -	12 May 1836	"	- - E. $\frac{1}{2}$ 12	17	100	Otanabee -	ditto -	Under P. Robinson.
Ronan, Timothy -	5 July 1832	"	- - W. $\frac{1}{2}$ 5	11	-	Medonte -	Home -	Discharged soldier.
Robertson, John -	13 Mar. 1827	"	- - - 14, 15	7	400	Westmeath -	Bathurst -	As an emigrant.
Rose, John -	28 June 1832	- 11	- - - 19	7	200	ditto -	ditto -	S. U. E.
Rocket, John -	8 Jan. 1835	"	- - part $\frac{1}{2}$ 22, N. Erb.'s-road.	-	50	Wilnot -	Gore -	Half patent fee paid.
Ross, Sophia -	28 Mar. 1833	"	- - - 12	13	200	Brooke -	Western -	D. U. E.
Robinson, Hannah -	25 Aug. 1834	"	- - - 30, 31	Front con.	-	Pembroke -	Bathurst -	ditto.
Robins, Jethro -	9 June 1836	- 13	- - E. $\frac{1}{2}$ 7	7	100	Medonte -	Home -	Discharged soldier.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Rutherford, Justus -	9 June 1836	1836 : June 13	- - - 9	6	200	Medonte - -	Home - -	Discharged serjeant.
Rotchford, James -	12 June 1836	" - - - 14	- - - N. $\frac{1}{2}$ 23	5	80	Emily - - -	Newcastle - -	Under P. Robinson.
Rea, Thomas -	20 June 1825	" - - - 14	- - - - -	-	400	Ops - - -	ditto - -	- ditto.
Rogers, Mary Ann -	3 June 1833	" - - - -	- - - N. $\frac{1}{2}$ 29	10	100	Smith - - -	ditto - -	- - Widow of discharged soldier.
Rosseau, Margaret -	8 June 1833	" - - - -	- - - - 9	13	200	Colchester - -	Western - -	D. U. E.
Ross, David Smith -	- - Adm Sir J. Colborne.	" - - - -	- 20, Dunlop-street	-	$\frac{1}{4}$	Town of Barrie -	Home - -	Crown sale.
Raymond, Edmond -	20 June 1836	- 21	- 19, Horton street	-	$\frac{1}{2}$	London - -	London - -	- - Patent fee and survey paid.
Robertson, Archibald	3 Mar. 1831	" - - - -	- - - - 18	11	200	Vespra - -	Home - -	Discharged serjeant.
Ross, William -	23 July 1832	" - - - -	- - - - 8	5	-	Medonte - -	ditto - -	- ditto.
Rusk, Andrew -	4 Feb. 1836	" - - - -	- - - - 8	10	-	Collingwood -	ditto - -	S. U. E.
Rogers, Peter -	20 June 1836	" - - - -	- 25, York-street	-	$\frac{1}{2}$	London - -	London - -	- - Patent fee and survey paid.
Rourte, James -	23 July 1832	- 22	- - - E. $\frac{1}{2}$ 4	4	100	Orillia - -	Home - -	Discharged corporal.
Ross, John -	1 Aug. 1833	" - - - -	- - - E. $\frac{1}{2}$ 20	7	-	Zorra - -	ditto - -	Discharged soldier.
Richardson, Rachel -	2 June 1836	- 23	- - - - 23	2	200	Marmora - -	Midland - -	D. U. E.
Robinson, Peter -	"	- 24	Part of military reserve.	-	$1\frac{1}{2}$	City of Toronto -	Home - -	Crown sale, 756l.
Ruston, Robert -	20 July 1830	" - - - -	- - - W. $\frac{1}{2}$ 23	10	100	Albion - -	ditto - -	Discharged soldier.
Run ion, Jane -	26 Mar. 1836	- 28	- - - S. $\frac{1}{2}$ s 13, 14	12	200	Mara - -	ditto - -	D. U. E.
Redden, Stephen -	1 July 1830	- 30	- - - - 17	12	-	Harvey - -	Newcastle -	S. U. E.
Sheets, David -	July 1821	April 20	- - - E. $\frac{1}{2}$ 33	2	100	Cornwall - -	Eastern - -	Military claimant.
Smith, Israel -	19 Jan. 1820	- 22	- - - - 7	12	200	Howard - -	Western - -	Militia.
Spragge, Joseph -	28 Apr. 1835	- 25	N. $\frac{1}{2}$ 20, 21 and 22	2	500	Dover - -	ditto - -	- - Fees paid, settlement duty performed.
St. John, P. L. Page	7 Nov 1833	May 6	- - - - 23	6	200	Fenelon - -	Newcastle -	- - Discharged shipwright, Kingston D. Y.
Sage, Lavinier -	13 Sept. 1832	" - - - -	- - - - 25	4	-	Moore - -	Western - -	D. U. E.
Sherwood, Margaret -	3 May 1832	" - - - -	- - - - 7	13	-	Tecumseth -	Home - -	ditto.
Silvester, Peter -	10 Dec. 1833	" - - - -	- - - N. E. $\frac{1}{2}$ 1	1	50	ditto - -	ditto - -	Patent gratuitous.
Shackelton, William -	23 Dec. 1835	- 16	- - - - 1, 23	1	112	Brantford -	Gore - -	- - Originally sold by Captain Brant.
Scarlett, Catherine -	18 Feb. 1834	- 17	- - - - 15	11	200	Howard - -	Western - -	D. U. E.
Switzer, Matthew -	19 June 1832	- 18	- - - - 24	18	-	Harvey - -	Newcastle -	S. U. E.
Sills, Conrad -	13 June 1833	- 19	- - - - 17	8	-	Fenelon - -	ditto - -	ditto.
Shaver, Henry Adam	6 Dec. 1832	- 24	- - - - 26	7	-	Horton - -	Bathurst -	ditto.
Sypes, Jacob -	18 Mar. 1818	" - - - -	- - - - 5	3	-	Collingwood -	Home - -	ditto.
Straw, N. Burnham	4 Feb. 1830	" - - - -	2, 1 con. and best front.	-	102	Hope - -	Newcastle -	- - Clergy reserve sale, 115 l. 6 s. 3 d.
Shields, Edward -	"	" - - - -	- - - Rpt. 25	2	92 $\frac{1}{2}$	Puslinch - -	Gore - -	ditto, 69 l. 3 s. 9 d.
Schram, Catherine -	20 May 1817	" - - - -	- - - - 32	3	200	Nissouri - -	London - -	D. U. E.
Sherman, Mary -	6 Dec. 1832	" - - - -	- - - - 3	7	-	Plympton -	Western - -	ditto.
Shaver, Martha -	7 Mar. 1836	- 21	W. $\frac{1}{2}$ 17, E. $\frac{1}{2}$ 17	3, 4	-	Dawn - -	ditto - -	ditto.
Stevens, Alfred -	19 Jan. 1820	- 25	- - - E. $\frac{1}{2}$ 1	6	100	Fenelon - -	Newcastle -	Militia.
Sipes, Andrew -	7 Feb. 1833	" - - - -	- - - - 3	5	200	Warwick - -	Western - -	S. U. E.
Sutherland, John -	19 Dec. 1833	" - - - -	- - - - 13	8	-	Enniskillen -	ditto - -	ditto.
Selye, Guy -	21 Feb. 1821	" - - - -	- - - - 4	10	-	Moore - -	ditto - -	ditto.
Schram, Benjamin -	31 Mar. 1836	- 28	26, S. S. R. Street	-	$\frac{1}{2}$	London - -	London - -	- - Fees paid, settlement duty performed.
Soulerie, Bernard -	19 Jan. 1820	- 26	- - - - 17	12	100	Sandwich - -	Western - -	Militia.
Sarke, William -	6 Nov. 1834	" - - - -	- - - - 15	2	200	Brooke - -	ditto - -	- - Discharged artificer, Kingston D. Y.
Seely, John -	19 Jan. 1820	- 27	- - - E. $\frac{1}{2}$ 6	11	100	Pakenham -	Bathurst -	- - Private, incorporated militia.
Seron, David -	"	" - - - -	- - - W. $\frac{1}{2}$ 3	5	-	Madoc - -	Midland - -	Militia.
Sweet, Charlotte -	17 May 1836	" - - - -	- - - - 4	6	200	Gosfield - -	Western - -	D. U. E.
Schram, Peter -	9 July 1817	" - - - -	- - - - 5	5	-	ditto - -	ditto - -	S. U. E.
Spurgen, Samuel -	19 Feb. 1817	" - - - -	- - - - 15	2	-	Harwich - -	ditto - -	ditto.
Simson, Jacob -	7 Feb. 1821	" - - - -	- - - - 18	8	-	Chatham - -	ditto - -	ditto.
Segar, Frederick -	27 Jan. 1816	" - - - -	- - - N. $\frac{1}{2}$ 10	7	100	Hungerford -	Midland - -	ditto.
Segar, Frederick A.	23 Feb. 1834	" - - - -	N. P. 13, Bro. 14	13	200	Chatham - -	Western - -	ditto.
Servis, Catherine -	27 June 1833	" - - - -	- E. $\frac{1}{2}$ 6, W. $\frac{1}{2}$ 17	13, 15	-	ditto - -	ditto - -	D. U. E.
Sweet, Timothy -	17 Mar. 1836	" - - - -	- - - - 3	6	-	Gosfield - -	ditto - -	S. U. E.
Snider, William -	11 Feb. 1836	" - - - -	- - - - 11	1	-	Nottawasaga -	Home - -	ditto.
Sharp, Huldah -	4 Dec. 1834	" - - - -	- - - - 12	6	-	Enniskillen -	Western - -	D. U. E.
Simpson, Eunice -	27 Nov. 1834	" - - - -	- - - - 21	9	-	ditto - -	ditto - -	ditto.
Switzer, Helen -	19 June 1832	" - - - -	- - - - 1	7	200	Collingwood -	Home - -	S. U. E.
Simmons, Mary Ann	7 Feb. 1833	" - - - -	- - - - 2	4	-	ditto - -	ditto - -	D. U. E.
Smith, Absalom -	19 Jan. 1820	- 28	- - - E. $\frac{1}{2}$ 22	3	100	Melancthon -	ditto - -	Militia.
Shaim, Henry -	27 Jan. 1819	" - - - -	- - - W. $\frac{1}{2}$ 14	2	-	Chinguacousey -	ditto - -	ditto.
Sullivan, Charles -	28 Nov. 1835	" - - - -	- - - W. $\frac{1}{2}$ 23	11	-	Huntley - -	Bathurst -	- - Emigrant, located by P. Robinson.
Sudworth, Abraham	12 May 1836	" - - - -	- - - - -	-	101,700 square links.	Woodstock -	London - -	- - Settlement duty performed.
Sells, Peter -	19 Jan. 1820	- 30	- - - E. $\frac{1}{2}$ 15	7	100	Belmont - -	Newcastle -	Militia.
Sharp, Lawrence -	"	" - - - -	- - - S. $\frac{1}{2}$ 15	9	-	Sombra - -	Western - -	ditto.
Stephenson, Hugh -	31 Mar. 1836	" - - - -	- - - N. $\frac{1}{2}$ 27	9	-	London - -	London - -	- - Settler, by Colonel Talbot.
Smith, Angus -	4 Sept. 1834	" - - - -	- - - - 18	7	200	Sombra - -	Western - -	S. U. E.
Simmons, Timothy -	3 Apr. 1834	" - - - -	- - - - 16	1	-	Moore - -	ditto - -	ditto.
Smith, Randall -	27 Nov. 1834	" - - - -	- - - - 37	12	-	Nottawasaga -	Home - -	ditto.
Shannon, Henry -	15 May 1835	" - - - -	- - - W. $\frac{1}{2}$ 28, 29	6	-	Amaranth - -	ditto - -	ditto.
Shaw, Dorothy -	5 Feb. 1831	" - - - -	- - - - 16	13	-	Brooke - -	Western - -	D. U. E.
Simpson, Aurelia -	4 Dec. 1832	" - - - -	- - - - 20	8	-	Enniskillen -	ditto - -	ditto.
Shea, Robert -	28 Nov. 1835	" - - - -	- - - W. $\frac{1}{2}$ 15	11	100	Lanark - -	Bathurst -	- - Emigrant, located by P. Robinson.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Sheehan, Timothy	28 Nov. 1835	1836: May 30	- - E. $\frac{1}{2}$ 16	3	100	Ramsay	Bathurst	- - Emigrant, located by P. Robinson.
Sheehan, James	"	"	- - E. $\frac{1}{2}$ 11	4	-	ditto	ditto	- - ditto.
Steadman, Michael	5 Nov. 1835	"	- - - 14	1	-	Yonge	Johnstown	- - Emigrant, quartermas. gen's dept.
Smith, William	12 June 1832	"	- - - 10	2	-	Brock	Home	- - Discharged seaman, R. N.
Sullivan, John	28 Nov. 1835	"	- - - 2	10	-	Goulburn	Bathurst	- - Located by P. Robinson.
Smire, Elizabeth	25 July 1833	"	- - - 34	9	200	Nottawasaga	Home	- - D. U. E.
Servos, Rebecca	4 Feb. 1836	"	- - - 49	12	-	ditto	ditto	- - ditto.
Servos, Mary	"	"	- - - 48	-	-	ditto	ditto	- - ditto.
Stratten, John	6 Oct. 1831	"	- - - 16	2	-	Vespra	ditto	- - Discharged soldier 76th regiment.
Snider, Jacob	13 Nov. 1818	- 31	- First parts. 6, 7	14	-	Hungerford	Midland	- - S. U. E.
Sencibaugh, Chris. jun.	23 Mar. 1835	"	- - - 25	11	-	Nottawasaga	Home	- - ditto.
Sencibaugh, Sarah Ann	"	"	- - - 26	-	-	ditto	ditto	- - D. U. E.
Sayward, James	28 Nov. 1835	"	- - E. $\frac{1}{2}$ 26	5	100	Pakenham	Bathurst	- - Emigrant, located by Hon. P. Robinson.
Searle, George	6 Sept. 1832	June 1	E. $\frac{1}{2}$ 31, W. part 31	2 P.	-	Caledon	Home	- - Discharged soldier, 15th Hussars.
Selea, Anthony	4 Feb. 1830	"	- - S. $\frac{1}{2}$ 31	3	-	Malahide	London	- - Clergy sale, 75 l.
Still, Charles Gasper	"	"	- - - 8	1	200	Adelaide	ditto	- - ditto, 100 l.
Saxton, Andrew	"	"	- - - 9	2	-	Bayham	ditto	- - ditto, 200 l.
Smith, Archibald	4 Sept. 1834	"	- - - 19	1	-	Sombra	Western	- - S. U. E.
Sencibaugh, Henry	20 Mar. 1835	"	- - - 31	8	-	Nottawasaga	Home	- - ditto.
Stringer, Henry	12 May 1836	"	- - E. N. W. on N. B. Talbot-road	-	-	Southwold	London	- - Fees paid, settlement duty performed.
Shannon, Robert	1 Dec. 1834	"	- - - $\frac{1}{2}$ 7	4	100	Huntley	Bathurst	- - ditto.
Syer, Henry	31 Dec. 1825	"	- - - N. $\frac{1}{2}$ 8	4	-	Mariposa	Newcastle	- - ditto.
Statts, Peter	19 Jan. 1820	"	- - - N. $\frac{1}{2}$ 15	1	-	Nottawasaga	Home	- - Militia.
Stodart, Arvin	"	"	- - - S. $\frac{1}{2}$ 44	10	-	ditto	ditto	- - ditto.
Soper, Solomon	"	- 3	- Broken 1 and 2	8	-	Plympton	Western	- - ditto.
Stull, Julia Ann	17 Nov. 1830	"	- W. $\frac{1}{2}$ 4, E. $\frac{1}{2}$ 14	5, 1	200	Erin	Gore	- - D. U. E.
Sheridan, Charles	4 May 1836	- 6	- - E. $\frac{1}{2}$ 17	9	100	Dummer	Newcastle	- - Chelsea pensioner.
Siney, Robert	23 Dec. 1825	- 8	- - E. $\frac{1}{4}$, N. $\frac{1}{2}$ 21	4	150	Cavan	ditto	- - Settlement duty performed.
Springsteen, Robert	10 April 1834	"	- - - 2	12	200	Moore	Western	- - S. U. E.
Swazey, Caleb	19 Jan. 1820	- 10	- - E. $\frac{1}{2}$ 13	4	100	Melanethon	Home	- - Militia.
Slack, John	"	"	- - R. $\frac{1}{2}$ 12	11	-	Lanark	Bathurst	- - ditto.
Stimens, Isaac	23 June 1819	"	- 33, E. Pres.-street	-	$\frac{1}{2}$	Belleville	Midland	- - Fees paid, settlement duty performed.
Stewart, Benjamin	5 May 1819	"	- - W. $\frac{1}{2}$ 13	3	100	Toronto	Home	- - Settlement duty performed.
Serjeant, Philip	12 May 1836	"	- - E. $\frac{1}{2}$ 28	10	-	Otanabee	Newcastle	- - Emigrant, located by P. Robinson.
Strings, Jacob	4 Feb. 1836	"	- - - 20	5	200	Plympton	Western	- - S. U. E.
Sheehan, Michael	2 June 1836	- 11	- - -	-	100	Marmora	Newcastle	- - Emigrant, located by P. Robinson.
Sellick, Thomas	7 Aug. 1829	"	- S. $\frac{1}{2}$ 2, N. $\frac{1}{4}$ 4	1, 3	200	N. Gower	Johnstown	- - S. U. E.
Smith, Elizabeth	5 April 1820	"	- N. E. 1st 44, 44	10, 11	-	Osgoode	Ottawa	- - D. U. E.
Snyder, Abigail	28 Sept. 1832	"	- Part 23, 27, N. Ft.-st.	6	-	Westmeath	Bathurst	- - ditto.
Snyder, John	19 Jan. 1820	- 13	- - E. $\frac{1}{2}$ 22	5	100	Esquesing	Gore	- - Militia.
Sliney, Edward	12 May 1836	"	- - S. $\frac{1}{2}$ 23	5	80	Emily	Newcastle	- - Emigrant, located by Hon. P. Robinson.
Sechan, Dennis	"	"	- - W. $\frac{1}{2}$ 19	5	100	Asphodel	ditto	- - ditto.
Stearns, James	31 Mar. 1836	"	- 6 N. s. D. street	-	$\frac{1}{2}$	London	London	- - Fees paid, settlement duty performed.
Seal, John	28 Sep. 1832	"	- - W. $\frac{1}{2}$ 6	6	100	Medonte	Home	- - Discharged soldier, 12th regiment foot.
Schwartzfager, Henry	19 Jan. 1820	"	- - S. $\frac{1}{2}$ 9	9	-	Mara	ditto	- - Militia.
Storing, Timothy	"	- 14	- - W. $\frac{1}{2}$ 19	10	-	Marmora	Newcastle	- - ditto.
Smyth, John	7 Dec. 1830	"	- - - 1	11	200	Nottawasaga	Home	- - Clergy reserve sale, 50 l.
Simpson, Robert	8 Nov. 1831	"	- - - $\frac{1}{2}$ 19	4	100	Douro	Newcastle	- - Discharged soldier, 8th dragoons.
Sutherland, William	25 Aug. 1819	"	- - S. $\frac{1}{2}$ 5	5	-	West Gwillimbury	ditto	- - Fees paid, settlement duty performed.
Stodars, James	3 Nov. 1819	"	- - N. $\frac{1}{2}$ 10	7	-	ditto	ditto	- - ditto.
Simmerman, Margaret	4 April 1833	"	- - - 12	9	200	Moore	Western	- - D. U. E.
Sheets, David	2 May 1833	"	- - - 1	2	-	Westmeath	Bathurst	- - S. U. E.
Smyth, Samuel	9 June 1836	- 15	- - W. $\frac{1}{2}$ 18	1	100	Douro	Newcastle	- - Discharged soldier, 21st regiment.
Sills, Peter	5 Sept. 1833	"	- - E. $\frac{1}{2}$ 17	10	200	Harvey	ditto	- - S. U. E.
Sills, William	19 Dec. 1833	"	- - - 4	3	-	Enniskillen	Western	- - ditto.
Smith, John	10 Aug. 1832	- 16	- - W. $\frac{1}{2}$ 2	4	100	Adelaide	London	- - Discharged soldier, 1st regiment.
Scott, Abraham	1 July 1819	"	- - E. $\frac{1}{2}$ 8	5	-	Chinguacousey	Home	- - Fees paid, settlement duty performed.
Smith, Samuel	2 May 1836	- 17	- - 59, N. T.	-	200	Oxford	Western	- - ditto.
Snyder, Jacob	2 Mar. 1825	"	- - W. part 10	4	100	Adjala	Home	- - ditto.
Silk, Michael	26 Aug. 1834	"	- - - 19	2	-	Vespra	ditto	- - Discharged soldier, 30th regiment.
Squires, Eliakim	19 Jan. 1820	- 18	- - - 31	8	200	Madoc	Midland	- - Militia serjeant.
Simmerman, William	11 April 1833	"	- - - 11	10	-	Moore	Western	- - S. U. E.
Simmerman, John	8 Aug. 1821	"	- - - 7	9	-	ditto	ditto	- - ditto.
Singleton, Margaret	23 July 1833	"	- - N. $\frac{1}{2}$ 35	7	100	Hungerford	Midland	- - D. U. E.
Simmerman, Jeremiah	7 Feb. 1833	"	- - - 13	9	200	Moore	Western	- - S. U. E.
Smith, Thomas	19 Jan. 1820	"	- - W. $\frac{1}{2}$ 29	4	100	Marmora	Midland	- - Militia.
Sutherland, George	17 Feb. 1825	- 20	- 25, N. S. Ft. street	-	1	Cornwall	Eastern	- - Fees paid, settlement duty performed.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Shaw, George -	3 April 1822	1836 : June 20	- - - 18, 19	2	400	Maripossa -	Newcastle -	- - Settlement duty performed.
Smith, James -	16 June 1836	"	- - - S. W. $\frac{1}{4}$ 3	7	50	Hungerford	Midland -	- ditto.
Scott, Amarilla -	28 Feb. 1833	"	- - - Broken 20, 21	10	200	Richmond -	ditto -	S. U. E.
Smyth, Mrgt. Harriet	28 Jan. 1834	"	W. $\frac{1}{2}$ 14, E. $\frac{1}{2}$ 16	11, 12	-	Vespra -	Home -	D. U. E.
Swayzee, Jane -	10 Feb. 1819	"	- - - 2	9	-	Erin -	Gore -	ditto.
Stephens, John -	12 June 1832	"	- - - W. $\frac{1}{2}$ 3	9	100	Medonte -	Home -	Disch. seaman, R. N.
Smith, John -	16 June 1836	"	- - - S. E. $\frac{1}{4}$ 3	7	50	Hungerford	Midland -	- - Settler, settlement duty performed.
Sullivan, Patrick -	24 April 1835	"	- - - 10	6	200	Ennismore	Newcastle -	As a settler.
Snell, William	20 June 1836	- 21	- 15 S. S. S. street	-	$\frac{1}{2}$	London -	London -	- - Fees paid, settlement duty performed.
Scholfirla, Margaret -	21 Dec. 1825	"	- - - 13	5	-	Collingwood	Home -	D. U. E.
Sagir, David -	19 Jan. 1820	"	- - - 1, 3, S. $\frac{1}{2}$ 4	12	500	ditto -	ditto -	Militia lieutenant.
Sharp, Gilbert G. -	"	"	- - - 5	7	200	ditto -	ditto -	Militia serjeant.
Sharp, Jacob -	"	"	- - - N. $\frac{1}{2}$ 2	8	100	ditto -	ditto -	Militia.
Sullivan, Patrick -	1 Sept. 1831	"	- - - N. $\frac{1}{2}$ 12	6	-	Hungerford	Midland -	- - Discharged soldier, N. Scotia fencibles.
Smith, Hugh -	1 Aug. 1833	"	- - - E. $\frac{1}{2}$ 16	7	-	Vespra -	Home -	- - Discharged corporal, Meath militia.
Seadon, George -	11 July 1833	"	- - - W. $\frac{1}{2}$ 18	9	-	ditto -	ditto -	- - Discharged soldier, 48th regiment.
Sutherland, Donald -	10 Aug. 1832	"	- - - E. $\frac{1}{2}$ 22	7	-	Zorra -	London -	- - Discharged soldier, royal vet. batt.
Sutherland, Robert -	3 July 1834	"	- - - W. $\frac{1}{2}$ 32	3	-	ditto -	ditto -	- - Discharged soldier, 93d regiment.
Smith, Matthew -	24 Oct. 1831	- 22	- - - E. $\frac{1}{2}$ 7	4	-	Oro -	Home -	- - Discharged soldier, 27th regiment.
Swackhammer, Jacob	19 Jan. 1820	- 24	- - - 5	3	-	Erin -	Gore -	Militia.
Shaver, Henry -	"	"	- - - N. $\frac{1}{2}$ 14	11	-	Mara -	Home -	ditto.
Sweeney, Patrick	23 June 1836	"	- - - S. $\frac{1}{2}$ 23	10	-	Smith -	Newcastle -	- - Discharged soldier, royal vet. batt.
Scallon, Hugh -	- Ord. Ld. board midland dist., Adm. Sir P. Maitland.	- 25	- - - N. W. $\frac{1}{4}$ 17	7	50	Marmora -	ditto -	- - Settlement duty performed.
Shaver, Nicholas J. -	19 Jan. 1820	- 27	- - - E. $\frac{1}{2}$ 10	1	100	Essa -	Home -	Militia.
Smith, Thomas -	21 Dec. 1825	- 28	- - - E. $\frac{1}{2}$ 1	11	-	Brook -	ditto -	- - Settlement duty performed.
Sharp, Michael -	3 Mar. 1836	"	- - - S. $\frac{1}{2}$ 9, 10	11	200	Mara -	ditto -	S. U. E.
Sharp, Philip -	"	"	- - - S. $\frac{1}{2}$ 13, 14	7	-	ditto -	ditto -	ditto.
Secord, Daniel -	27 June 1836	"	1 E. Mount Pleasant	-	75	Brantford -	Gore -	- - Original lease from Captain Brant.
Sims, Mark -	27 Aug. 1833	"	- - - 19	6	200	Warwick -	Western -	S. U. E.
Scott, John, jun. -	6 Dec. 1832	- 30	- - - W. $\frac{1}{2}$ 10, E. $\frac{1}{2}$ 9	9, 10	-	Madoc -	Midland -	ditto.
Smith, Sarah -	26 July 1820	"	- - - 16	10	-	Harvey -	Newcastle -	D. U. E.
Thompson, Ellen -	11 Feb. 1836	Apr. 25	- - - 14	7	200	Medonte -	Home -	Serjeant's widow.
Tipping, Jonathan -	2 May 1833	- 29	- - - W. $\frac{1}{2}$ 23	4	100	Cramahe -	Newcastle -	Discharged soldier.
Treadwell, Charles P.	8 Aug. 1833	May 12	- - - W. Gore	-	900	- - Between Caledonia, Alfred, and Longueil.	Ottawa -	- - To make up a deficiency in the survey of L'Original of 3,344 acres.
Taylor, Sarah -	17 May 1820	- 17	- - - 30	12	200	Enniskillen	Western -	D. U. E.
Thompson, George -	19 Jan. 1820	"	- - - E. $\frac{1}{2}$ 5	4	100	Hinchinbrooke	Midland -	Militia.
Tincombe, Mary A. -	28 Feb. 1835	"	- - - E. $\frac{1}{2}$ 16, 24, 25	10	300	Fenelon -	-	-
			- - - $\frac{1}{2}$ 18 E. $\frac{1}{2}$ 19	10	650	Verulam -	Newcastle -	Widow of a lieutenant.
			- - - 18, 19	12		Harvey -	-	-
Thompkins, Nathan -	19 Jan. 1820	- 25	- - - E. $\frac{1}{2}$ 5	10	100	Moore -	Western -	Militia.
Thomas, Ann -	2 Sept. 1830	"	- - - 26	4	200	Melancthon	Home -	D. U. E.
Tinkes, Devina -	28 Oct. 1835	"	- - - 29	12	-	Nottawasaga	ditto -	ditto.
Terry, Isaac -	19 Jan. 1820	- 28	- - - W. $\frac{1}{2}$ 4	6	100	Warwick -	Western -	Militia.
Thomson, Elizabeth -	31 July 1817	"	- - - 14	5	200	Marmora -	Midland -	D. U. E.
Thair, Thomson -	2 Oct. 1834	"	- - - 28	1	-	Nottawasaga	Home -	Discharged artificer.
Teskey, Joseph -	28 Nov. 1835	- 30	- - - W. $\frac{1}{2}$ 4	10	100	Ramsay -	Bathurst -	- - Located by Hon. P. Robinson.
Teskey, John (1) -	"	"	- - - W. $\frac{1}{2}$ 17	11	-	ditto -	ditto -	- ditto.
Teskey, John (2) -	"	"	- - - E. $\frac{1}{2}$ 7	11	-	ditto -	ditto -	- ditto.
Teskey, Robert -	"	"	- - - W. $\frac{1}{2}$ 8	11	-	ditto -	ditto -	- ditto.
Turner, David L. -	19 Jan. 1820	- 31	- - - E. $\frac{1}{2}$ 30	5	-	Nottawasaga	Home -	Militia.
Thompson, Thomas -	4th claim, 1835	"	- - - 64	4	170	Ameliasburgh	Prince Edward	- - Patent fee and survey paid.
Thompson, Margaret	1 May 1834	"	- - - 36	12	200	Nottawasaga	Home -	D. U. E.
Turner, John -	31 Mar. 1836	"	- - - N. $\frac{1}{2}$ 17	5	100	London -	London -	- - Located by Mr. Richard Talbot.
Tupper and Heeney -	7 Dec. 1830	June 1	- 5, Dalhousie-street	-	25,100 sq. links	Brantford -	Gore -	Crown land sale, 10l.
Tupper, John M. -	"	"	- - - 6	-	-	ditto -	ditto -	Crown land sale, 10l.
Tipp, John -	4 Feb. 1830	"	- - - E. $\frac{1}{2}$ 24	2	100	Markham -	Home -	- - Clergy reserve sale, 87l. 10s.
Thomson, John -	28 Nov. 1835	"	- - - E. $\frac{1}{2}$ 12	11	-	Ramsay -	Bathurst -	- - Located by Hon. P. Robinson.
Taylor, John -	26 Feb. 1828	- 3	- - - 16	4	200	Hungerford	Midland -	S. U. E.
Treadwell, Charles P.	8 Aug. 1833	- 10	{ 1, 3, 6, 7; 1, 2, 3; 8 - - 4; 3, 4; 4, 5	8, 9, 11 2, 3, 4	1,424 820	Ross Pembroke -	Bathurst -	- - To make up a deficiency of 3,344 acres in L'Original.
Tearning, John -	9 June 1836	- 13	- - - W. $\frac{1}{2}$ 10	9	100	Medonte -	Home -	Discharged soldier.
Thompson, Stewart -	26 Oct. 1825	- 15	- - - 7	1	200	Tosorontio -	ditto -	- - Regulations of 31st Jan. 1824.
Tompkins, Nancy -	1 Mar. 1832	"	- - - 20	9	-	Marlborough	Johnstown	D. U. E.
Thody, Thomas -	2 Aug. 1832	"	- - - W. $\frac{1}{2}$ 10	2	100	Adelaide -	London -	Discharged soldier.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836—continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Tupper, Mayhew	19 Jan. 1820	1836: June 18	- - E. $\frac{1}{2}$ 14	4	100	Madoc -	Midland -	Militia.
Triller, Charity	7 Feb. 1833	"	- - - 9	9	200	Moore -	Western -	D. U. E.
Tebbodeaux, Peter	19 Jan. 1820	" 20	- - E. $\frac{1}{2}$ 3	1	100	Essa -	Home -	Militia.
Throop, Calvin	"	" 21	- - S. $\frac{1}{2}$ 48	11	-	Nottawasaga	ditto -	ditto.
Thompson, Thomas	15 Oct. 1819	" 23	- - E. $\frac{1}{2}$ 15	7	-	Esquesing -	Gore -	- Patent fee and survey paid.
Thompson, William	10th claim, 1827	" 24	W. $\frac{1}{2}$ 6, 7, 8; part 7	5, 6	640	Dorchester -	London -	- ditto.
Tice, John	28 Oct. 1833	"	- - - $\frac{1}{2}$ 8	11	100	Seymour -	Newcastle -	Half-pay lieutenant.
Thompson, Robert	20 Mar. 1822	" 29	- - - $\frac{1}{2}$ 10	10	50	Erin -	Gore -	Gratuitous.
Trudel, Mary A.	19 Mar. 1836	" 30	N. $\frac{1}{2}$ 5, 7 and 8	12	200	Mara -	Home -	D. U. E.
Ullman, Henry	3 Dec. 1835	" 28	- - S. $\frac{1}{2}$ 11, 15	12	200	ditto -	ditto -	S. U. E.
			- - A Tract	-	1,960			
Vansittart, Henry	20 Jan. 1836	April 27	- - 1 and 2, Balsam Lake, 4, 5, 6, 7, 8, 9, 11, 12, 13, part 14	-	1,729	Bexley -	Newcastle -	- In lieu of certain property in Blandford surrendered to the Crown.
Vansittart, Henry	3 July 1834	" 29	- - E. C. and F. Part 20	Portage rd. 1	658	Bexley -	London -	As a rear-admiral,
			- - - 10	2	200	Blandford -		
Vandevoort, Samuel	74th claim, 1831	May 28	- - W. $\frac{1}{2}$ 24	3	100	Oxford, East -	Midland -	Privileged as U. E.
Van Allen, Gilbert	6 Dec. 1832	"	- - - 17	3	-	Sidney -	Western -	S. U. E.
Van Allen, Henry	18 Mar. 1818	"	- - - 20	7	-	Warwick -	ditto -	ditto.
Van Allen, Isaac	2 May 1833	"	- - - 5	5	-	Plympton -	ditto -	ditto.
Vanalstine, Barnard	9 Nov. 1835	"	- - - 24	13	-	Warwick -	ditto -	ditto.
Vanalstine, Jacob	11 Mar. 1819	"	- - - 8	2	-	Sombra -	ditto -	ditto.
Vanalstine, Hannah	18 May 1833	"	- - - 10	10	-	Collingwood -	Home -	ditto.
Vanduzen, Rachel	24 Mar. 1835	" 31	- - - 3	9	-	Richmond -	Midland -	D. U. E.
Vanduzen, Charlotte	"	"	- - - 4	8	-	Collingwood -	Home -	ditto.
Van Allen, John	19 Jan. 1820	June 1	- - S. $\frac{1}{2}$ 29	10	-	ditto -	ditto -	ditto.
Vanderlip, William	4 Sep. 1822	" 20	- - - 14	5	200	Nottawasaga	Western -	Militia.
Vanarnam, William	19 Jan. 1820	" 21	- - N. $\frac{1}{2}$ 28	5	100	Sarnia -	ditto -	S. U. E.
Vint, Benjamin	1 Aug. 1833	" 24	- - E. $\frac{1}{2}$ 15	7	-	Nottawasaga	Home -	Militia.
Wigle, Isabella	30 Jan. 1808	May 18	- - - $\frac{1}{2}$ H	2	180	Vespra -	ditto -	Discharged soldier.
Wright, Thomas	27 June 1833	"	- - - 32	11	200	Gosfield -	Western -	D. U. E.
Willson, Hiram	"	" 23	- - 34, W. $\frac{1}{2}$ 12	Front 5	-	Hungerford -	Midland -	S. U. E.
Wallison, Margaret	24 Mar. 1835	" 24	- - - 9	6	-	Plympton -	Western -	ditto.
Wright, Mark	24 Oct. 1831	"	- - - 11	2	-	Enniskillen -	ditto -	D. U. E.
Wereley, Margaret	28 Oct. 1835	" 25	- - - 23	11	-	Torbolton -	Bathurst -	S. U. E.
Wood, Hulda	13 June 1818	"	- - - 17	1	-	Nottawasaga	Home -	D. U. E.
Way, Benjamin	19 Jan. 1820	" 27	- - 29, 30, W. $\frac{1}{2}$ 32	5	500	ditto -	ditto -	ditto.
Wilson, Joel	3 Apr. 1834	"	- - - 10	11	200	Hungerford -	Midland -	Militia (ensign).
Watson, Susannah	2 Oct. 1834	"	- - - 23	5	-	Moore -	Western -	S. U. E.
Williams, Elizabeth	5 Feb. 1835	"	- - - 7	1	-	Belmont -	Newcastle -	D. U. E.
Weir, Hannah	4 Feb. 1830	"	- - $\frac{1}{4}$ 32, part 31	1, 2	100	Harvey -	ditto -	ditto.
Willock, Francis	12 July 1830	"	- - - 24	3	200	Erin -	Gore -	ditto.
			- - - 24	3	200	Ops -	Newcastle -	- Discharged serjeant-major.
Wright, George	19 Jan. 1820	" 28	- - W. $\frac{1}{2}$ 17	1	100	Fenelon -	ditto -	Militia.
Warner, Stephen	"	"	- - S. $\frac{1}{2}$ 17	5	-	Sombra -	ditto -	ditto.
Ward, Abel R.	"	"	- - - 29	Front	-	Pembroke -	Bathurst -	ditto.
Wager, George	"	"	- - E. $\frac{1}{2}$ 18	5	-	Enniskillen -	Western -	ditto.
Workman, Daniel	4 Dec. 1834	"	- - - 7	8	200	Collingwood -	Home -	S. U. E.
Welch, John	19 Jan. 1820	"	- - E. $\frac{1}{2}$ 31	5	100	Mono -	ditto -	Militia.
Watson, James	"	"	- - E. $\frac{1}{2}$ 27	8	-	ditto -	ditto -	ditto.
Wilson, William	Land bd. 1821	"	- - S. $\frac{1}{2}$ 30	13	-	Mulmer -	ditto -	- Patent fee survey paid.
Wannamaker, Andrew & Acrinanus.	12 June 1832	"	- - Part 78	Front	-	Smith -	Newcastle -	- Registered prior to July 1796.
Wilbank, David	28 Oct. 1835	"	- - S. $\frac{1}{2}$ 30, N. $\frac{1}{2}$ 6	7	200	Ameliasburgh	Prince Edward -	- Discharged artificer.
Weart, Daniel	"	"	- - - 41	1	-	Sombra -	Western -	S. U. E.
Waggoner, Solomon	15 Nov. 1818	"	- - - 22	12	-	Collingwood -	Home -	ditto.
Woodcock, David	4 July 1833	"	- - - 24	11	-	Nottawasaga	ditto -	ditto.
Wert, George	"	"	- - - 7	1	-	Plympton -	Western -	ditto.
Wood, Henrietta	27 Feb. 1818	"	- - - 12	11	-	ditto -	ditto -	ditto.
Weart, Rachel	17 Jan. 1829	"	- - - 21	8	-	St. Vincent -	Home -	D. U. E.
Williams, Margaret	3 May 1832	"	- - - 12	11	-	Enniskillen -	ditto -	ditto.
Weir, Hannah	4 Feb. 1830	"	- - W. $\frac{1}{2}$ 15	2	100	Plympton -	ditto -	ditto.
Willock, Francis	12 July 1830	"	- - - 3	3	-	Nelson -	Gore -	ditto.
		"	- - - 11	2	-	Bathurst -	Bathurst -	- Discharged serjeant-major.
Wilkinson, Thomas	15 Mar. 1832	"	- - - 30	3	200	Essa -	Home -	Discharged soldier.
Walton, Bogart	6 Nov. 1834	"	- - W. $\frac{1}{2}$ 20	9	100	Nottawasaga	ditto -	Discharged artificer.
White, William	28 Nov. 1835	" 30	- - - 20	11	-	Huntley -	Bathurst -	- Located by Hon. P. Robinson.
Welch, William	"	"	- - E. $\frac{1}{2}$ 20	11	-	ditto -	ditto -	- ditto.
White, James	"	"	- - - 17	10	-	ditto -	ditto -	- ditto.
White, John	"	"	- - - 3	11	-	Goulburn -	ditto -	- ditto.
White, Cornelius	"	" 31	- - W. $\frac{1}{2}$ 6	11	-	ditto -	ditto -	- ditto.
Woodcock, Paul	5 Apr. 1832	June 1	- - S. $\frac{1}{2}$ 8, N. $\frac{1}{2}$ 6	2	200	ditto -	ditto -	- ditto.
Woodcutt, Roger	19 Jan. 1820	"	- - 19, 26, W. $\frac{1}{2}$ 27	11, 12	500	Flos -	Home -	S. U. E.
Walker, John	"	"	- - N. $\frac{1}{2}$ 31	4	100	Enniskillen -	Western -	Militia (lieutenant).
Winter, Frederick	"	" 10	- - W. $\frac{1}{2}$ 16	4	-	Nottawasaga	Home -	- ditto.
Whitley, Samuel	22 July 1824	"	- - - 11	11	200	Mulmer -	ditto -	ditto.
Wall, William	2 June 1836	"	- - E. $\frac{1}{2}$ 3	1	100	Belmont -	Newcastle -	S. U. E.
		"	- - - 18	7	-	Marmora -	Midland -	- Located by Hon. P. Robinson.
Winn, Patrick	3 Feb. 1834	"	- - E. $\frac{1}{2}$ 4	7	-	Elmsley -	Johnstown -	Discharged soldier.
Wiltse, Joseph	19 June 1832	" 11	- - - 20	3	200	Westmeath -	Bathurst -	S. U. E.
Will, George	19 Jan. 1820	" 13	- - W. $\frac{1}{2}$ 20	7	100	Esquesing -	Gore -	Militia.
Winn, John	14 Apr. 1836	"	- - - 20	7	30	London -	London -	Free.
Winn, John	9 June 1836	"	- - W. $\frac{1}{2}$ 7	12	100	Medonte -	Home -	Discharged soldier.
Winn, John	7 Dec. 1830	" 14	- - - 24	3d-street	1	Cornwall -	Eastern -	Crown land sale, 101.
Winn, John	"	"	- - - 24	4th-street	1	ditto -	ditto -	- ditto.
Winn, John	4 Feb. 1830	"	- - W. $\frac{1}{2}$ 20	5	100	Richmond -	Midland -	- Clergy reserve sale, 701.

RETURN of all Patents for Land which have passed the Great Seal, between 20th April and 2d July 1836 —continued.

Name of Grantee.	Date of Orders in Council.	Date of Patent.	Lot.	Concess.	Acres.	Township.	District.	Remarks.
Wallace, James	3 Nov. 1819	1836 : June 14	- - S. $\frac{1}{2}$ 14	6	100	Wt. Gwillimbury	Home	- - Patent fee and survey paid.
Weaver, Margaret	27 June 1833	"	- - - 10	2	200	Moore	Western	D. U. E.
Warren, Peregrine	4 May 1836	"	- 39; 38; N. $\frac{1}{2}$ 23	-- 7 & 9, 8, 10.	700	Nottawasaga	Home	-- Late captain 66th regiment.
Witherup, John	6 Sep. 1832	"	- - S. $\frac{1}{2}$ 17	5	100	Dummer	Newcastle	Discharged gunner.
Williams, Benjamin	19 Jan. 1830	- 15	- - N. $\frac{1}{2}$ 21	4	-	Ops	ditto	Militia.
Winter, Paddick	Land bd. 1825	"	- - N. $\frac{1}{2}$ 1	15	-	Maripossa	ditto	- - Patent fee and survey paid.
Walker, George	9 June 1836	"	- - E. $\frac{1}{2}$ 1	7	-	Medonte	Home	Discharged soldier.
Walbrooke, Robert	6 Feb. 1822	- 17	- - W. $\frac{1}{2}$ 7	4	-	Trafalgar	Gore	Registered 1 Jan. 1820
Wood, William West	31 Mar. 1836	"	- - N. $\frac{1}{2}$ 6	11	-	Howard	Western	-- Located by Colonel Talbot.
Wait, Gracy	24 Apr. 1835	- 18	- - - 4	3	200	Warwick	ditto	D. U. E.
Weegar, Nancy	13 Nov. 1818	"	- - - 4	1	-	ditto	ditto	ditto.
Wright, Daniel	7 June 1826	"	- - - 26	3	-	Melanethon	Home	S. U. E.
White, William	16 June 1819	- 20	- - N. $\frac{1}{2}$ 10	9	100	West Gwillimbury	ditto	- - Patent fee and survey paid.
Winterbottom, Samuel	19 Jan. 1820	- 21	- - S. $\frac{1}{2}$ 4	2	-	Collingwood	ditto	Militia.
Wintermute, Abraham	4 July 1833	"	- - - 2	6	200	ditto	ditto	S. U. E.
Williams, Christopher	20 June 1836	"	- - - 7	Dundas-st.	$\frac{1}{2}$	London	London	- - Patent fee and survey paid.
Wintermute, Alex.	20 Oct. 1832	"	- - - 1	11	200	Collingwood	Home	S. U. E.
Wees, William	3 Mar. 1836	"	- - - 25	5	-	ditto	ditto	ditto.
Wilkes, Charles	6 Nov. 1834	"	- - - 6	6	-	ditto	ditto	Discharged artificer.
Watt, William	25 July 1833	- 23	- - E. $\frac{1}{2}$ 11	4	100	Medonte	ditto	Discharged soldier.
Wood, Christiana	27 Nov. 1834	- 24	- - - 27	3	200	Marmora	Midland	D. U. E.
Walden, Thomas	9 Mar. 1830	"	- - W. $\frac{1}{2}$ 13	9	100	Richmond	ditto	Discharged soldier.
Wilson, John	26 Oct. 1825	- 25	- - S. $\frac{1}{2}$ 1	6	-	Innesfil	Home	- - Patent fee and survey paid.
Wright, Arthur	Land bd. 1821	"	- - E. $\frac{1}{2}$ 1	10	50	Marmora	Midland	Gratuitous.
Wright, George	"	- 27	- - $\frac{1}{2}$ 1	10	-	ditto	ditto	ditto.
Walton, George	7 Dec. 1830	"	- - 1 and 2	Bay-street	23,675	Port Credit	Home	Crown sale, 271
Winniett, James	"	"	- Parts 28, 29, 30	3	40	Brantford	Gore	- ditto, 501.
Wilson, Mathias	"	"	- Parts 8 and 9	-- Colborne-street.	8,375	ditto	ditto	- ditto, 51.
Wilson, Benjamin	"	"	- Part 10	-	3,835	ditto	ditto	- ditto, 31.
Whaley, William	22 Apr. 1819	May 29	- - W. $\frac{1}{2}$ 15	5	100	Toronto	Home	Registered 5 Jan. 1819
Whelan, Fenton	27 June 1836	"	- - E. $\frac{1}{2}$ 14	10	-	Dummer	Newcastle	Discharged soldier.
Young, Jane	13 June 1818	- 25	- - - 8	7	200	Belmont	ditto	D. U. E.
Young, George	19 Aug. 1833	- 28	- - - 23	4	-	Warwick	Western	S. U. E.
Young, Joseph	9 Aug. 1820	"	- - - 6	11	-	Moore	ditto	ditto.
Young, William	3 Jan. 1827	"	- - - 21	11	-	Enniskillen	ditto	ditto.
Young, Hiram	19 Jan. 1820	- 31	- - N. $\frac{1}{2}$ 44	11	100	Nottawasaga	Home	Militia.
Young, John	7 Dec. 1830	June 1	- - 8 and 9	-- Wellington-street.	47,332	Brantford	Gore	Crown sale, 201. 10s.
Young, William	4 Feb. 1836	"	- - E. $\frac{1}{2}$ 1	11	100	Beckwith	Bathurst	Military emigrant.
Young, Daniel	5 Sep. 1833	- 10	- - - 11	4	200	St. Vincent	Home	S. U. E.
Young, John	2 Aug. 1832	- 17	- - W. $\frac{1}{2}$ 4	3	100	Adelaide	London	Discharged soldier.
Young, John	13 June 1836	- 20	- - N. $\frac{1}{2}$ 26	12	-	Smith	Newcastle	- - Located by Hon. P. Robinson.
Young, Samuel	"	"	- - S. $\frac{1}{2}$ 26	12	-	ditto	ditto	- ditto.
Young, Stephen	23 June 1836	- 24	- - - 28	10	200	Hungerford	Midland	S. U. E.

ABSTRACT OF THE FOREGOING.

Patents.

Between the 20th April (the prorogation of Parliament) and the 2d July 1836, there were completed in this office - - - - - 1,478
 Of this number there were completed upon orders in Council issued under the administration of Sir F. B. Head; viz. :—50 between 20 April and 28 May and 100 between 28 May and 2 July - - - - - 150

Leaving the number completed under orders in Council by former administrations - - - - - 1,328

There were transmitted to the county of Simcoe for the purpose of being issued to the grantees - - - - - 303
 Of this number were returned to the office - - - - - 170
 The grantees not having demanded their deeds of the agent. A great portion of the deeds returned were grants to females as the daughters of U. E. loyalists.

There were completed upon orders issued under the administration of Sir F. B. Head, from the time he assumed the Government to 2 July - - - - - 233
 Of these, 30 were for females (not entitled to vote at elections).

70 " Crown sales (the Government being pledged to give the patent on payment of purchase-money).
 30 " Settlers under Colonel Talbot, } Who were entitled to their deeds upon producing settlement duty certificate.
 43 " " Hon. P. Robinson, }
 123 " U. E. loyalists, militiamen, pensioners and old soldiers.

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Secretary and Registrar's Office, }
 8 December 1836. }

(signed) D. Cameron,
 Secretary and Registrar.

(36.) J. (1.)

RETURN of DESCRIPTIONS for PATENTS for GRANTS of LAND between 1st April and 1st August 1836.

ABSTRACT.

DISTRICT.	COUNTY.	U. E. and Militia Grants.		By Purchase.		Allowed under Heir and Devizee Com.		Naval and Military.		Settlers and other grants.		Total to Males.	Total Females.	Canada Company.	General Total.
		Males.	Fe-males.	Males.	Fe-males.	Males.	Fe-males.	Males.	Fe-males.	Males.	Fe-males.				
Eastern	Dundas	1	-	-	-	1	-	-	-	-	-	2	-	-	2
	Glengarry	-	-	-	-	1	-	1	-	-	-	2	-	-	2
	Stormont	-	-	7	-	3	1	-	-	4	-	14	1	1	16
												18	1	1	20
Ottawa	Prescott	-	-	-	-	1	-	-	-	3	-	4	-	3	7
	Russell	5	6	-	-	-	-	1	-	3	-	15	-	5	20
												19	-	8	27
Johnstown	Grenville	1	3	2	-	1	-	-	-	1	-	5	3	-	8
	Leeds	3	-	2	-	1	-	3	-	3	-	12	-	4	16
												17	3	4	24
Bathurst	Carleton	11	-	2	-	-	-	3	-	4	-	20	-	2	22
	Lanark	17	12	5	-	-	-	3	-	12	-	37	12	2	51
												57	12	4	73
Prince Edward	-	-	-	1	-	-	1	-	-	-	-	1	1	-	2
	-	-	-	-	-	-	-	-	-	-	-	1	1	-	2
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Midland	Frontenac	3	-	-	-	3	-	-	-	-	-	6	-	-	6
	Hastings	42	8	1	-	3	-	11	-	17	-	74	8	-	82
	Lennox and Addington.	4	2	3	-	3	-	3	-	-	-	15	-	1	16
												95	8	1	104
Newcastle	Durham	10	-	3	-	-	-	24	1	21	-	58	1	3	62
	Northumberland	25	14	5	-	2	-	32	3	53	-	117	17	5	139
												175	18	8	201
Home	City of Toronto	-	-	1	-	-	-	-	-	-	-	1	-	-	1
	2d Riding York	2	-	13	-	3	-	16	-	23	-	57	-	-	57
	3d do. do.	1	-	2	-	-	-	-	-	-	-	3	-	1	4
	4th do. do.	1	2	3	-	-	-	6	1	3	-	13	3	3	19
	Simcoe	172	57	8	-	2	-	106	5	32	-	320	62	2	384
												394	65	6	465
Gore	Halton	5	3	1	-	-	-	6	-	25	-	47	3	4	54
	Wentworth	-	-	13	-	-	-	-	-	21	-	34	-	-	34
												81	3	4	88
Niagara	Haldimand	-	-	5	-	-	-	-	-	16	-	21	-	-	21
	Lincoln	-	-	-	-	-	-	-	-	1	-	1	-	-	1
												22	-	-	22
London	Huron	-	-	-	-	-	-	-	-	-	-	-	-	15	15
	Middlesex	9	2	2	-	1	-	52	2	61	-	125	4	4	133
	Oxford	3	2	3	-	-	-	8	-	7	-	21	2	6	29
	Norfolk	-	-	1	-	1	-	-	-	1	-	3	-	4	7
												149	6	29	184
Western	Essex	38	8	3	-	-	-	3	-	7	-	53	8	-	61
	Kent	169	76	5	-	-	-	10	-	12	-	196	76	5	277
												249	84	5	338

DISTRICT.	Males.	Females.	Canada Company.	General Total.
Eastern	18	1	1	20
Ottawa	19	-	8	27
Johnstown	17	3	4	24
Bathurst	57	12	4	73
Prince Edward's	1	1	-	2
Midland	95	8	1	104
Newcastle	175	18	8	201
Home	394	65	6	465
Gore	81	3	4	88
Niagara	22	-	-	22
London	149	6	29	184
Western	249	84	5	338
	1,277	201	70	1,548

RETURN of Descriptions for PATENTS for GRANTS of LAND issued between 1st April and 1st August 1836, in the Province of Upper Canada.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant, or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Eastern	Dundas	Williamsburgh	Henry Schewidfefer	-	100	-- Claim allowed under heir and devisee com. July 1828	-	-	1836: 6 April -	-	Patent fee paid.
			John Link	Military claimant	200	-- Order in council, 7 August 1834	An old date	None	"	-	-
			Alexander McLeod	Discharged soldier	100	-- Order in council, 9 April 1831	In 1824	-- Reside on grant 3 years.	15 April.	-	-
	Glengarry	Lochiel	Neil McDonald	-	200	-- Claim allowed under com. July 1824	-	-	20 April	-	ditto.
			David Sheets	-	100	ditto - July 1821	-	-	"	-	-
			Archibald McDonnell	-	50	ditto - July 1834	-	-	"	-	-
	Stormont	Cornwall	Canada Company	-	200	-- Order in Council, 4 February 1836	-	-	5 May.	-	-
			John Paps, sen.	-	200	-- Claim allowed under com. - July 1827	-	-	5 April -	10	-
			Peter Carpenter	Crown land sale	1	-- Cert. Com. crown lands, 27 March 1836	-	-	"	10	10
		Town of Cornwall.	T. B. Anderson and another	-	1	ditto 13 February	-	-	14 April	10	10
			Hugh McCullum	-	1	ditto 10 June	-	-	10 June -	10	10
			William Wade	-	1	ditto -	-	-	"	10	-
Ottawa	Prescott	Caledonia	Aaron Walsh	-	1	ditto -	-	-	"	10	-
			William Hassell	-	1	ditto 2 March	-	-	"	11	-
			Alexander McLean	-	1	ditto 16th June	-	-	11 June -	-	-
			George Anderson	-- Settler, regulations 6 July 1804.	1	-- Order in council, 2 Feb. 1819	-	-- Settlement duty and fees.	10 June -	-	-- Patent fee and survey paid.
			Paul Melotte, jun.	-	1	ditto 17 Feb. 1825	-	ditto	15 June -	-	ditto.
			John McDonald	-	1	ditto 19 Jan. 1825	-	ditto	"	-	ditto.
			George Sutherland	-	1	ditto 17 Feb.	-	ditto	18 June -	-	ditto.
			Nancy McGillis	-	1	-- Claim allowed under com. - July 1834	-	-	29 July -	-	ditto.
			Ewen McMaster	-- Settler, regulations 6 July 1804.	100	-- Order in council, 6 February 1833	-- By land board prior to 1825.	-- Settlement duty and fees.	21 June -	-	ditto.
			Canada Company	-	100	ditto 4 Feb. 1836	-	-	5 May.	-	-
			John McCrank	-- Settler, regulations 6 July 1804.	200	-- General order in council, 13 March 1819	-- By land board 6 Oct. 1825.	-- Settlement duty and fees.	5 April -	-	Fees paid.
			Moses Ryan	-	100	ditto -	26 Jan. 1821	ditto	"	-	ditto.
			Arthur Burton	-	100	-- Claim allowed under com. - July 1834	-	-	15 April.	-	-
Russell		Clarence	Canada Company	-	100	-	-	-	5 May.	-	-
			ditto	-	100	-	-	-	"	-	-
			ditto	-	100	-- Order in council, 4 February 1836	-	-	"	-	-
		Cumberland	ditto	-	260	ditto -	-	-	"	-	-

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(continued.)

				100	-- General order in council, 13 Mar. 1819	-- By land board previous	-- Settlement duty and fees.	25 June -	-- Patent fee and survey paid.
James M'Nally	-- Settler, regulations 6 July 1804.	-	-	200	- ditto - ditto -	31 Dec. 1835.	- ditto -	-	-
Charles Waters	- ditto -	-	-	200	- Order in council, 4 Sept. 1836	13 Oct. 1825	- None -	23 July -	- ditto.
Diana Cozens	- D. U. E. -	-	-	200	- ditto 18 Feb. 1836	12 Feb. 1836	- ditto -	8 July.	-
Christy Ann Cozens	- ditto -	-	-	200	- ditto 4 Sept. 1834	9 July 1836	- ditto -	20 July.	-
Margaret Cozens	- ditto -	-	-	200	- ditto 4 Sept. 1834	- ditto -	- ditto -	"	-
Alexander Cozens	- S. U. E. -	-	-	200	- ditto 3 Mar. 1836	- ditto -	- ditto -	"	-
Julia Ann Cozens	- D. U. E. -	-	-	200	- ditto 4 Sept. 1834	- ditto -	- ditto -	"	-
Rachel M'Cann	- ditto -	-	-	200	- ditto 5 Feb. 1835	22 June 1836	- ditto -	29 July.	-
Simon Cass	- S. U. E. -	-	-	200	- ditto 5 Jan. 1835	- ditto -	- ditto -	"	-
John Johnson	- Discharged serjeant	-	-	200	- ditto 28 Mar. 1833	26 Aug. 1833	- Reside on grant 3 years.	8 April.	-
Duncan M'Kenzie	-- Settler, regulations 6 July 1804.	-	-	100	- General order in council, 13 Mar. 1819	-- By land board 21 June 1821	-- Settlement duty and fees.	17 April -	- ditto.
John Grant	- S. U. E. -	-	-	200	- Order in council, 23 July 1832	10 March 1836	- None -	15 April.	-
Canada Company	-	-	-	200	- ditto 4 Feb. 1836	-	-	5 May.	-
Alex. Campbell	- Militia -	-	-	100	- Cert. adjutant-gen. militia, 11 Oct. 1820	4 March 1836	- None -	14 April.	-
-- Louis Lecuea or Lecuyea	- ditto -	-	-	100	- ditto 15 Mar. 1836	- ditto -	- ditto -	15 April.	-
Elizabeth Smith	- D. U. E. -	-	-	200	- Order in council, 5 Apr. 1820	18 Feb. 1823	- ditto -	31 May.	-
Canada Company	-	-	-	200	- ditto 4 Feb. 1836	-	-	5 May.	-
ditto	-	-	-	100	- ditto - ditto -	-	-	"	-
Hiram Norton	- Crown land sale -	-	-	water l. 22,016 sq. lks.	- Cert. com. crown lands, 19 Apr. 1836	-	-	17 June -	10 -
Linus Fields	-	-	-	200	- Claim allowed under com. - July 1835	-	-	24 May -	- ditto.
Thomas Sellick	- S. U. E. -	-	-	200	- Order in council, 7 Aug. 1829	18 Dec. 1832	- None -	10 June.	-
John M. Caldwell	-- As compensation for loss of 150 acres.	-	-	170	- ditto 8 Jan. 1835	7 April 1836	-	11 April.	-
James Mills	-- Clergy reserve sale.	-	-	74	- Cert. com. crown lands, 16 Apr. 1836	-	-	10 June -	37 10
Phoebe Leahy	- D. U. E. -	-	-	200	- Order in council, 8 June 1832	19 Jan. 1836	- None -	"	-
Nancy Tompkins	- ditto -	-	-	200	- ditto 1 Mar. 1832	10 Aug. 1832	- ditto -	"	-
Sarah Knapp	- ditto -	-	-	200	- ditto 4 Feb. 1830	8 Feb. 1830	- ditto -	21 June.	-
Jonathan Henderson	-- Regulations, 9 July 1796.	-	-	200	- ditto 5 Nov. 1835	-	- Payment of fees	3 May -	- ditto.
Canada Company	-	-	-	100	- ditto 4 Feb. 1836	-	-	5 May.	-
- ditto -	-	-	-	32	- ditto - ditto -	-	-	"	-
- ditto -	-	-	-	32	- ditto - ditto -	-	-	"	-

Gloucester

Osgoode

Johnstown - Grenville - Town of Prescott.

Gower, S.

Gower, N.

Marlborough -

Leeds

Bastard -

Burgess -

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Johnstown— continued.	Leeds— continued.	Burgess— continued. Crosby, N. - Elizabethtown	Reuben Sherwood -	Militia - -	199	-- Order in council, 19 Apr. 1820	- Order in coun- cil, 7 Apr. 1836.	None - -	1836: 9 July.	£. s.	
			Canada Company -	- -	200	- ditto 4 Feb. 1836	- -	- -	5 May.		
			John Green -	- - Clergy reserve sale.	100	-- Cert. com. crown lands, 10 June 1836	- -	- -	11 June -	125 -	
			Patrick Winne -	Discharged soldier	100	-- Order in council, 3 Feb. 1834	- -	-- Reside on grant 3 years.	6 June.		
			Robert Mitchell -	-- Clergy reserve sale.	100	-- Cert. com. crown lands, 2 Mar. 1836	- -	- -	27 May -	37 10	
			Jonathan M. Church	Militia - -	100	-- Cert. adjutant-gen. militia, 21 Feb. 1821	15 Oct. 1823	None - -	30 May.		
			Joseph Laferty -	Discharged serjeant	200	-- Order in council, 5 Sept. 1832	22 Oct. 1833	-- Reside on grant 3 years.	"		
			Thomas Damby -	-- Settler, regu- lation 1 Jan. 1820.	50	-- D. order in council, 13 Mar. 1819	7 July 1823	Settlement duty -	"		
			Robert Rorison -	S. U. E. - -	200	-- Order in council, 27 Jan. 1819	5 Aug. 1826	None - -	16 June.		
			James Tuff -	- -	62	-- Claim allowed under com. - July 1835	- -	- -	7 April.		
Bathurst	Carlton	Fitzroy -	Joseph Kendrick -	Discharged soldier	50	-- Order in council, 10 Apr. 1834	26 Oct. 1835	-- Reside on grant 3 years.	27 May.		
			Michael Steadman -	-- Emigrant set- tler, brought by quarter-master ge- neral department.	100	- ditto 5 Nov. 1835	Prior to 1825	Settlement duty -	28 May.		
			Robert Shirreff -	-- Emigrant set- tler, regulations 6 July 1804.	70	- ditto 31 July 1823	-- In 1836 to complete his grant.	None - -	2 April.		
			Simon Fraser, sen.	Militia - -	100	-- Cert. adjutant-gen. militia, 21 June 1820	28 Aug. 1834	- ditto -	21 April.		
			William Barton -	- ditto -	100	- 18 March 1836	19 March 1836	- ditto -	16 June.		
			Silas Hamblen -	- ditto -	100	- ditto -	- ditto -	- ditto -	"		
			William Bullis -	- ditto -	100	- ditto -	- ditto -	- ditto -	"		
			John Baker, jun. -	- ditto -	100	- 21 February 1821	2 June 1836	- ditto -	"		
			Henry Fraser -	S. U. E. - -	200	-- Order in council, 9 Jan. 1822	12 April 1822	- ditto -	17 June.		
			Jacob Mowerson -	Militia - -	100	-- Cert. adjutant-gen. militia, 26 Jan. 1836	12 March 1836	- ditto -	13 April.		
Huntley			John Hart -	S. U. E. - -	100	-- Order in Council, 18 May 1833	18 Sept. 1834	- ditto -	9 April.		
			Nathaniel Osborne	Militia - -	100	-- Cert. adjutant-gen. militia, filed 15 Feb. 1836	12 March 1836	- ditto -	13 April.		
			John Hart -	S. U. E. - -	100	-- Order in council, 18 May 1833	18 Sept. 1834	- ditto -	9 April.		

UPPER CANADA: PAPERS RELATING TO SIR F. B. HEAD.

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(continued.)

Lanark	Horton	Robert Shannon	-- Settler, regulation 31 Jan. 1824	100	-- Order in council, 1 Dec. 1824	12 May 1832	-- Settlement duty and fees.	20 April.	-- Patent fee and survey paid.
		John M'Dermid	Discharged soldier	100	- ditto 28 Sept 1832	8 Oct. 1832	-- Reside on grant 3 yrs.	10 April.	
		John Barry	- ditto	100	- ditto 7 Mar. 1833	27 Dec. 1833	- ditto		
		Canada Company	-	100	- ditto 4 Feb. 1836		-		
		Henry A. Shaver	-	200	- ditto 6 Dec. 1832	16 Jan. 1833	- None	5 May.	
		Robert King	-- Settler, located by quarter-mas. gen. department.	100	- ditto 23 May 1836	Previous to 1825	Settlement duty	6 April.	
		Donald M'Arthur	Militia	100	-- Cert. adjutant-gen. militia, 5 Oct. 1820	30 May 1833	- None	27 May.	
	Macnab	Donald Fisher	-- Settled under M'Nab of M'Nab.	200	-- Order in council, 17 Mar. 1836	By M'Nab	-- Settlement duty and fees.	31 May.	
		Allan M'Nab	- ditto	320	- ditto 19 July 1836	- ditto	- ditto	10 June	-- Half-patent fee paid.
Carleton	Nepean	Archibald M'Nab	- ditto	200	- ditto - ditto	- ditto	- ditto	21 July	-- Patent fee paid.
		Canada Company	-	200	- ditto 4 Feb. 1836	-	-		- ditto.
		Francis Abbott	-- Clergy reserve sale.	100	-- Cert. com. crown lands, 1 Mar. 1836	-	-	5 May.	
	Pakenham	James Armstrong	-- Settler, regulation 6 July 1804	100	-- General order in council, 13 Mar. 1819	1 Aug. 1824	-- Settlement duty and fees.	20 July	-- Patent fee and survey paid.
		William Binley	Discharged soldier	200	-- Order in council, 26 Sept. 1831		-	9 June	
Lanark	Pembroke	Elizabeth Adams	D. U. E.	200	- ditto 11 Jan. 1834	-	-- Reside on grant 3 years.	14 June.	
		John Adams	S. U. E.	200	- ditto 18 July 1834	25 Feb. 1836	- None	8 April.	
		Phoebe Rockwood	D. U. E.	200	- ditto 7 Aug. 1834	- ditto	- ditto		
		Hannah Robinson	- ditto	200	- ditto 25 Aug. 1834	4 March 1836	- ditto	11 May.	
		Charles P. Treadwell	-- Supply grant as compensation.	820	- Special order in council, 8 Aug. 1833	14 Oct. 1834	- ditto	31 May.	
	Ross	Thomas Kains	Purser, n. n.	400	-- Order in council, 18 Apr. 1821	Jan. 1836	- ditto	8 June.	
		Margaret Casselman	D. U. E.	200	- ditto 24 Nov. 1832	28 Aug. 1833	-- Reside in colony 2 yrs. and set.	8 April.	
		Margaret Gallinger	- ditto	200	- ditto 19 Dec. 1833	30 April 1834	- None		
		Joseph M'Intyre	S. U. E.	200	- ditto 26 Dec. 1834	21 April 1834	- ditto	9 April.	
		Alex. M'Naughton	- ditto	200	- ditto 7 Mar. 1827	4 March 1836	- ditto	10 May.	
		Mary M'Intyre	D. U. E.	200	- ditto 26 Dec. 1834	- ditto	- ditto		
		Mary M'Naughton	- ditto	200	- ditto 8 Dec. 1835	- ditto	- ditto		
		Ephraim Olmstead	Militia	100	-- Cert. adjutant-gen. militia, filed 12 Jan. 1836	- ditto	- ditto		
		Murdoch M'Leod	- ditto	100	- ditto 8 May 1821	-	- ditto	17 May.	
		Charles P. Treadwell	-- Supplementary grant, &c.	1,424	-- Special order in council, 8 Aug. 1833	12 Feb. 1836	- ditto	31 May.	
		Mary M'Donell	D. U. E.	200	-- Order in council, 26 Aug. 1818	12 Jan. 1836	- ditto	8 June.	
		Charles P. Treadwell	-- Supplementary grant, &c.	200	- Special order in council, 8 Aug. 1833	4 March 1836	- ditto	17 June.	
		Mark Wright	S. U. E.	200	-- Order in council, 24 Oct. 1831	4 Jan. 1836	- ditto	22 July.	
Carleton	Torbolton	John Buckham	-- Settler, regulation 6 July 1804	200	- ditto 3 Jan. 1833	29 Oct. 1831	- ditto	6 April.	
						-	-- Settlement duty and fees.	5 July	- ditto.

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Bathurst— continued.	Lanark	Bathurst	- - W. McNerrin or McNerrin.	Militia	100	- - Cert. adjutant-gen. militia, 22 Aug. 1820	6 Feb. 1836	None	1836: 11 May.	£. s.	
			- Alexander McGregor	Clergy reservesale	200	- - Cert. com. crown lands - 6 Feb. 1836.	-	-	23 May -	115	-
		Beckwith	Duncan McLaren	- ditto	100	- ditto 26 April 1836	-	-	1 June -	50	-
			John McTavish	- ditto	100	- - Order in council, 23 May 1836	-	-	16 June -	65	-
			Duncan McEwen	- ditto	100	- - Cert. com. crown lands - 17 May 1836	-	-	17 June -	50	-
			William Young	- - Settler, located by quar.-master gen. department.	100	- - Order in council, 4 Feb. 1836	Prior to 1826	Settlement duty	1 June.		
			John Nichol	- ditto	100	- ditto - ditto	- ditto	- ditto	"		
			George Cook	- Militia	100	- - Cert. adjutant-gen. militia - 8 May 1821	24 July 1834	None	17 June.		
		Darling	Isaac Cole	- ditto	100	- ditto 27 Sept. 1820	18 Feb. 1835	- ditto	10 June.		
			Isaac Cole	- S. U. E.	200	- - Order in council, 28 Sept. 1824	- ditto	- ditto	"		
	Lanark		John Slack	- Militia	100	- - Cert. adjutant-gen. militia - May 1821	3 July 1828	- ditto	8 June.		
			Canada Company	-	100	- - Order in council, 4 Feb. 1836	-	-	5 May.		
		Ramsay	Robert Redman	- Militia	100	- - Cert. adjutant-gen. militia, 23 Dec. 1833	18 Feb. 1835	None	7 April.		
			Robert Mills	- Discharged soldier	100	- - Special order in council, 28 April 1836	-	- Reside on grant 3 years.	8 June.		
	Sherbrooke, S.		Gerard Nagle	- Emigrant settler	100	- - Order in council, 28 Nov. 1835	- - Located by Hon. P. Robin- son prior to 1828.	Settlement duty	9 June.		
			Canada Company - Hugh McGowan	- - Settler, located by quar.-master gen. department.	100	- ditto 4 Feb. 1836	-	-	5 May.		
				Purser, R. N.	100	- ditto 18 ditto	Prior to 1825	Settlement duty	16 June.		
		Westmeath	Thomas Kains	-	400	- ditto 18 April 1821	28 Aug. 1833	- - Reside in colony 2 years & settlement duty.	8 April.		
			Mary Ann Adams	- D. U. E.	200	- ditto 27 June 1833	28 June 1833	None	"		
			Jane Clow	- ditto	200	- ditto 1 May 1834	9 June 1835	- ditto	"		
			Sarah Babcock	- ditto	200	- ditto 4 Sept. 1835	4 Mar. 1836	- ditto	11 May.		
			John Rose	- S. U. E.	200	- ditto 28 June 1832	24 Oct. 1834	- ditto	31 May.		
			John Robertson	- - Emigrant from Scotland, 1815.	400	- ditto 13 Mar. 1827	28 Jan. 1836	Settlement duty	6 June.		
			James Hunter	- S. U. E.	200	- ditto 11 Oct. 1832	13 Oct. 1832	None	"		
			Joseph Wiltze	- ditto	200	- ditto 19 June 1832	20 June 1832	- ditto	"		

(continued)

		Abigail Sneider	-	D. U. E.	-	200	-- Order in council, 28 Sept. 1832	2 Oct. 1832	None	-	6 June.	
		David Sheets	-	- ditto	-	200	- ditto 2 May 1833	26 Nov. 1833	- ditto	-	8 June.	\$ 15
Carleton	Town of Richmond.	Thomas Stanley	-	Crown land sale	-	200	-- Cert. com. crown lands - 22 Mar. 1836	-	-	-	15 April	
Lanark	Town of Perth	- - Nadab Eastman and another.	-	-	-	1	-- Claim allowed under com. - July 1833	-	-	-	5 April	-
		Rev. Peter J. D. La Motte.	-	-	-	1	-- Order in council, 23 May 1836	-- By settling department prior to 1825.	-- Settlement duty and fees.	-	10 June	-
		Dawson Kerr	-	Crown land sale	-	1	-- Cert. com. crown lands - 23 July 1836	-	-	-	23 July	15
		George Hume Read	-	Settler	-	123200	-- Order in council, 12 Mar. 1827	-- By quarter-mas.-gen. dep. prior to 1825.	-- Settlement duty and fees.	-	28 July	-
Prince Edward	Big Island	Paul Cronk	-	Crown land sale	-	98	-- Cert. com. crown lands - 8 Mar. 1836	-	-	-	8 June	73 10
	Hallowell	Ann Connor	-	-	-	50	-- Claim allowed under com. - July 1834	-	-	-	4 July.	
Midland	Hinchinbroke	Sarah Merrill	-	-	-	200	- ditto - July 1835	-	-	-	7 May	-
		George Thompson	-	Militia	-	100	-- Cert. adjutant-general militia, filed 16 May 1836	16 May 1836	None	-	17 May.	Fees remitted.
	Kingston	Martin Clement	-	- ditto	-	100	Cert. - 8 May 1821	16 Nov. 1834	- ditto	-	10 June.	Patent fee paid.
		Henry W. Bowen	-	-	-	100	-- Claim allowed under com. - July 1835	-	-	-	6 April	-
	Portland	Daniel Everitt	-	-	-	15	- ditto - July 1833	-	-	-	1 June.	
Hastings		Peter Huffman	-	S. U. E.	-	100	-- Order in council, 2 Nov. 1834	21 Nov. 1834	None	-	10 May.	
	Elzevir	John McKay	-	Discharged artificer	-	200	- ditto 24 Mar. 1835	13 May 1836	- ditto	-	20 July.	
		Simon Frier	-	Militia	-	100	-- Cert. adjutant-gen. militia, filed 2 July 1836	2 July 1836	- ditto	-	29 July.	
	Hungerford	Thomas Caton	-	- ditto	-	100	Cert. - 14 July 1820	8 Mar. 1836	- ditto	-	8 April.	
		George McMullen	-	- ditto	-	100	- ditto, filed 5 Mar. 1836	- ditto	- ditto	-	"	
		Abner Bishop	-	- ditto	-	100	Cert. - 22 Sept. 1820	- ditto	- ditto	-	"	
		Malcolm M'Pherson	-	- ditto	-	100	- ditto, filed 5 Mar. 1836	- ditto	- ditto	-	"	
		William Fairman	-	- ditto	-	100	- ditto -	- ditto	- ditto	-	"	
		Catharine M'Masters	-	D. U. E.	-	200	-- Order in council, 18 July 1833	3 April 1835	- ditto	-	"	
		Benjamin A. Birdsall	-	S. U. E.	-	200	- ditto 2 Oct. 1834	8 Mar. 1836	- ditto	-	"	
		Thomas Wright	-	- ditto	-	200	- ditto 27 June 1833	- ditto	- ditto	-	"	
		Jacob Snider	-	- ditto	-	200	- ditto 13 Nov. 1818	18 Nov. 1831	- ditto	-	"	
		John Taylor, jun.	-	- ditto	-	200	- ditto 26 Feb. 1828	28 Feb. 1828	- ditto	-	7 May.	
		Lear Peterson	-	D. U. E.	-	200	- ditto 6 Jan. 1827	11 Dec. 1832	- ditto	-	2 June.	
		Nancy Gunrohus	-	- ditto	-	200	- ditto 13 June 1818	4 June 1834	- ditto	-	10 June.	
		Margaret Singleton	-	- ditto	-	200	- ditto 23 July 1823	19 Nov. 1829	- ditto	-	13 June.	
		John Smith	-	Emigrant settler	-	50	- ditto 16 June 1836	Prior to 1825	Settlement duty	-	17 June.	
		James Smith	-	- ditto	-	50	- ditto -	- ditto	- ditto	-	"	
		Stephen Young, jun.	-	S. U. E.	-	200	- ditto 23 June 1836	23 June 1836	- ditto	-	24 June.	

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued.*

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Midland— <i>continued.</i>	Hastings— <i>continued.</i>	Hungerford— <i>continued.</i>	Thomas Potts	Discharged soldier	100	- ditto 4 Mar. 1824	- - Previous to Oct. 1834.	- - Reside on grant three years.	1836 : 13 June.	£. s.	
			Patrick Sullivan	- ditto	100	- ditto 1 Sept. 1831	8 Aug. 1833	- ditto	- 21 June.		
			Philip Jones	- militia	100	- - Cert. adjt.-gen. militia, filed 8 Mar. 1836	19 Mar. 1836	None	- 13 June.		
			Caleb Garrison	- ditto	100	- ditto 16 Feb. 1836	- ditto	- ditto	- 17 June.		
			Henry Barreger	- ditto	100	- ditto 23 July 1835	- ditto	- ditto	- 15 June.		
			John Cronk	- ditto	100	- ditto 23 Mar. 1836	11 April 1836	- ditto	- 25 June.		
			Willson Conger	- - Regulations, 9 July 1796.	200	- - Order in council, 10 June 1797	Old date	Payment of fees	- 19 July	-	- - Patent fees and survey paid.
			James Palmer	- Militia	100	- - Cert. adjt.-gen. militia, filed 2 July 1836.	2 July 1836	None	- 20 July.		
			David Roblin	- ditto	100	Cert. - 8 May 1821	- ditto	- ditto	- "		
			David Roblin	- S. U. E.	200	- - Order in council, 4 Sept. 1822	2 Oct. 1822	- ditto	- 2 July.		
		Madoc	Thomas Rankin	- ditto	200	- ditto 12 June 1832	21 June 1832	- ditto	- 11 April.		
			Deborah McTaggart	- ditto	200	- ditto 21 Mar. 1833	22 Mar. 1833	- ditto	- 10 May.		
			John Scott, jun.	- ditto	200	- ditto 6 Dec. 1832	8 Dec. 1832	- ditto	- 21 June.		
			Mabew Tupper	- Militia	100	- - Cert. adjt.-gen. militia, June 1820.	10 June 1820	- ditto	- 13 June.		
			Nicholas Ault	- ditto	100	- ditto 7 June 1820	- ditto	- ditto	- 16 June.		
		Marmora	Eliakim Squires	- ditto	200	- ditto 17 Feb. 1820	16 April 1821	- ditto	- 17 June.		
			George Abbott	- ditto	100	- - Cert. adjt.-gen. militia, filed 2 Feb. 1836	2 Feb. 1836	- ditto	- 15 April.		
			Elizabeth Thompson	- D. U. E.	200	- - Order in council, 31 July 1817	23 Jan. 1832	- ditto	- 20 April.		
			James Lally	- Discharged soldier	100	- ditto 24 April 1835	-	- - Reside on grant three years.	15 June.		
			James Broffey	- ditto	100	- ditto 6 Feb. 1830	8 Nov. 1831	- ditto	- "		
			John Nadeau	- ditto artificer	200	- ditto 5 Sept. 1833	10 Sept. 1833	None	- "		
			Matthew Ryan	- ditto soldier	200	- ditto 11 Oct. 1832	4 April 1836	- - Reside on grant three years.	- "		
			Angelo Fortunato	- ditto	100	- ditto 2 Oct. 1834	3 Oct. 1834	- ditto	- "		
			John Little	- ditto artificer	200	- ditto 28 Feb. 1833	8 April 1833	None	- "		
			Darby Foley	- - Settler, reg., 6 July 1804.	200	- - General order in council, 13 Mar. 1819	22 Mar. 1825	- - Settlement duty and fees.	13 June	-	- ditto.
			Hugh Scallon	- ditto, regulations, 1 Jan. 1820.	50	- - ditto	31 July 1822	Settlement duty	- 25 June.		
			Arthur Wright	- ditto	50	- ditto	- ditto	- ditto	- "		
			George Wright, jun.	- ditto	50	- ditto	- ditto	- ditto	- "		
			Timothy Storing	- Militia	100	- - Cert. adjt.-gen. militia, 17 April 1821	30 Oct. 1823	None	- 10 June.		

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued*.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Midland— <i>continued.</i>	Leunox and Addington.	Camden	Peter Huffman	S. U. E.	50	-- Order in council, 2 Nov. 1834	21 Nov. 1834	None	1836: 10 May.	£.	
			Canada Company	-	100	- ditto 4 Feb. 1836	-	-	5 May.		
		Ernestown	Dennis Lucas	-	100	-- Claim allowed un- der com. - July 1834	-	-	6 April.		
			Martin Hawley	-	100	- ditto - July 1835	-	-	"		
		Fredericksburgh	Abraham Dewitt	-- Clergy reserve sale.	200	-- Cert. com. crown land - 2 Mar. 1836	-	-	6 June -	140 -	
			Gilbert Hogaboom	-	200	- ditto 11 Feb. 1836	-	-	8 June -	150 -	
			Isaac Post	-	100	-- Claim allowed un- der com. - July 1835	-	-	8 July.		
	Durham	Richmond	Angus Cameron	Discharged serjt.	150	-- Order in council, 17 Nov. 1830	1 June 1833	-- Reside on grant two years.	21 June.		
			Thomas Walden	Discharged soldier	100	- ditto 9 Mar. 1830	3 Sept. 1832	- ditto -	24 June.		
		Bexley	John Mowat	Discharged serjt.	200	- ditto 6 Sept. 1830	20 Aug. 1832	- ditto -	"		
			William Wilkinson	-- Clergy reserve sale.	100	-- Cert. com. crown land - April 1836	-	-	10 June -	75 -	
			Charles Loucks	S. U. E.	182	-- Order in council, 7 Mar. 1833	16 Mar. 1833	None	10 May.		
Newcastle	Durham	Bexley	Isaac Loucks	-	200	- ditto -	-	-	"		
			Mary Dulyea	-	200	- ditto 2 Jan. 1834	30 April 1835	- ditto -	2 June.		
			Jacob Loucks	-	200	- ditto 18 May 1833	24 May 1833	- ditto -	10 June.		
			Amarilla Scott	-	200	- ditto 28 Feb. 1833	16 Mar. 1833	- ditto -	13 June.		
			Henry Vansittart	-- In exchange for certain pro- perty surrendered. R. Admiral, R. N.	3689½	-- Order in council, 20 Jan. 1836	-	-	27 April.		
	Durham	Cartwright Cavan	Henry Vansittart	-	658	- ditto 3 July 1834	10 April 1835	-- Reside in colony 2 yrs. and set. duty.	29 April.		
			Canada Company	-	100	- ditto 4 Feb. 1836	-	-	5 May.		
			Joseph Rutherford	-- Settler, regula- tions 6 July 1834.	100	- ditto 18 June 1817	11 June 1818	-- Settlement duty and fees.	31 May -		- Patent fee and survey paid.
			Walter King	-	100	- ditto -	-	-	"		- ditto.
			Benjamin Barnes	-	150	- ditto 23 Dec. 1825	9 Feb. 1833	- ditto -	"		- ditto.
Newcastle	Durham	Clarke	Robert Seney	-	100	- ditto -	-	-	"		- ditto.
			Gustavus Howden	-- Clergy reserve sale.	100	-- Cert. com. crown land - 8 Feb. 1836	-	-	21 June -	50 -	
			William Phair	Discharged serjt.	200	-- Order in council, 12 June 1832	25 June 1833	-- Reside on grant three years.	"		
			Jacob Hughson	-	200	-- Special order in council, 25 Feb. 1836	-	-- Payment and fees, and immediate occupation.	11 June -		- Patent fee and survey paid.
Newcastle	Durham	Darlington	Canada Company	-	100	- Order in council, 4 Feb. 1836	-	-	5 May.		

(continued.)

Eldon	Mary Hart (widow)	Discharged soldier	100	-- Order in council,	17 Aug. 1832	-- Reside on grant three years.	4 April.
	George Ross	Discharged serjeant	200	- ditto 2 Aug. 1832	-	-	6 June.
	Hugh M'Burney	Discharged soldier	100	- ditto 7 Jan. 1827	19 Oct. 1833	-	9 June.
	Blythe Armstrong	- ditto -	100	- ditto 24 April 1833	28 Feb. 1832	-	10 June.
	John Carr	- ditto -	100	- ditto 3 Nov. 1831	1 Dec. 1831	-	"
	John Cummings	- ditto -	100	- ditto 2 Dec. 1830	2 July 1831	-	"
	Ann Downie (widow)	- ditto -	100	- ditto 28 June 1832	12 Feb. 1836	-	"
	John Hughes	- ditto -	100	- ditto 23 July 1832	11 July 1832	-	13 June.
	James Byrnes	- ditto -	100	- ditto - ditto -	-	-	"
	John McDonald	-- Follower of D. Cameron.	200	- ditto 8 Mar. 1826	-	-- Settlement duty and fees.	10 June -
Emily	Thomas Madieu	-- Discharged serjeant.	200	- ditto 11 Aug. 1831	31 Oct. 1831	-- Reside on grant three years.	"
	John Miller	- ditto -	200	- ditto - ditto -	-	-	"
	Robert McCarroll	- ditto -	200	- ditto - ditto -	10 Sept. 1831	-	"
	George Foster	- ditto -	200	- ditto 9 June 1836	-- By agent, 1832 or 1833.	-	14 June.
	John Connolly	Discharged soldier	100	- ditto 16 June 1836	-	-	21 June.
	Edward Sliney	Emigrant settler	100	- ditto 12 May 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty	9 June.
	James Richford	- ditto -	100	- ditto - ditto -	-	-	"
	Maurice Fitzgerald	- ditto -	100	- ditto - ditto -	-	-	"
	Cornelius Lynes	- ditto -	100	- ditto - ditto -	-	-	14 June.
	Timothy Connors	- ditto -	100	- ditto 13 June 1836	-	-	"
Fenelon	Conrad Sills	S. U. E.	200	- ditto 13 June 1833	16 July 1833	None	9 April.
	Pierre Le Page St. John.	-- Discharged artificer.	200	- ditto 7 Nov. 1833	31 Mar. 1836	ditto	"
	William Cassleman, senior.	S. U. E.	200	- ditto 27 Nov. 1834	24 Jan. 1825	ditto	13 June.
Hope	Nathan B. Straw	Clergy reserve sale	102½	-- Cert. com. crown lands - 23 May 1836	-	-	£. s. d 115 6 3
Maripossa	Edward M'Kenrey	Discharged soldier	100	- Order in council, 3 Apr. 1828	17 Feb. 1832	-- Reside on grant three years.	24 May -
	Henry Syer	-- Settler, regulation 6 July 1804.	100	- General order in council, 13 Mar. 1819	31 Dec. 1825	-- Settlement duty and fees.	13 April.
	Thomas M'Kenney	- ditto -	100	- ditto - ditto -	Prior to 1826	-	31 May -
	Peter Philips, jun.	Militia	100	-- Cert. adjutant-gen. militia - 8 May 1821	6 June 1834	None	"
	Thomas Amos	-- Settler, regulation 1 Jan. 1820.	100	- Order in council, 28 Nov. 1821	12 July 1826	-- Settlement duty and fees.	"
	Paddick Winter	- ditto - 6 July 1804.	100	- General order in council, 13 Mar. 1819	24 Dec. 1825	-	-
	Paul Hayward	- ditto -	100	- ditto - ditto -	Prior to 1826	-	14 June -
	Thomas Empey	Militia	100	-- Cert. adjutant-gen. militia - 2 Aug. 1834	2 Feb. 1836	-	17 June -
	George Shaw	-- Settler, regulation 5 Jan. 1819.	400	- Order in council, 3 April 1822	9 Feb. 1835	-- Settlement duty and fees.	13 June.
							17 June.

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued.*

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Newcastle— <i>continued.</i>	Durham— <i>continued.</i>	Mariposa— <i>continued.</i>	Canada Company -	-	200	-- Order in council, 4 Feb. 1836	-	-	1836: 5 May.	£. s.	-
			Noadiah Hayward	-- Settler, regula- tion 6 July 1804.	100	-- General order in council, 13 Mar. 1819	Prior to 1826	-- Settlement duty and fees.	17 June -	-	-- Patent fee and survey paid.
			Michael Barlow	Discharged soldier	100	-- Order in council, 19 Mar. 1836	-- By agent, 1834 or 1833	-- Reside on grant three years.	6 April.	-	-
			William Rowland	- ditto -	100	- ditto 11 Aug. 1831	23 Nov. 1832	- ditto -	14 April.	-	-
			Andrew McGee	- ditto -	100	- ditto 4 Feb. 1836	-- By agent, 1832 or 1833	- ditto -	20 April.	-	-
		Ops	Thomas Robinson	- ditto -	100	- ditto 12 July 1831	- Aug. 1831	- ditto -	11 May.	-	-
			James Kells	Discharged serjeant	200	- ditto 28 Sept. 1832	- Sept. 1832	- ditto -	10 June.	-	-
			William Jackson	Discharged soldier	100	- ditto 21 July 1831	- July 1831	- ditto -	"	-	-
			Benjamin Williams	Militia -	100	-- Cert. adjutant-gen. militia, 18 April 1820	28 Dec. 1832	None -	13 June.	-	-
			Thomas Rea	-- Settler, regula- tion 5 Jan. 1819.	400	-- Order in council, 20 July 1825	22 June 1827	-- Settlement duty and fees.	10 June -	-	- ditto.
		Verulam	Mark Armitage	Discharged soldier	100	- ditto 4 Oct. 1832	4 Oct. 1832	-- Reside on grant three years.	29 April.	-	-
			James Bradshaw	- ditto -	100	- ditto - ditto -	6 Oct. 1832	- ditto -	30 May.	-	-
			Jonas Abrahams	S. U. E. -	200	- ditto 5 Sept. 1833	7 Sept. 1833	None -	11 May.	-	-
			Thomas Palmer	- ditto -	200	- ditto 26 Nov. 1823	10 June 1824	- ditto -	"	-	-
			John B. Crowe	Crown land sale -	175	-- Cert. com. crown lands - 6 June 1836	-	-	25 June -	50 -	-
		Northumber- land.	Charles Noonan	Emigrant settler	100	-- Order in council, 12 May 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty -	9 June.	-	-
			John McDonell	S. U. E. -	200	- ditto 8 Mar. 1830	30 July 1835	None -	8 July.	-	-
			Jacob Rickley	- ditto -	200	- ditto 28 Mar. 1833	- May 1836	- ditto -	20 July.	-	-
			Paulina Walters	-- Regulation, 9 July 1796.	200	- ditto 8 June 1798	Old date -	Payment of fees -	4 April.	-	-
			Isaac Johnson	Militia -	100	-- Cert. adjutant-gen. militia - 5 Mar. 1834	13 Feb. 1836	None -	31 May.	-	-
	Asphodel		David Leahy	Emigrant settler	100	-- Order in council, 12 May 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty -	9 July.	-	-
			Dennis Sheehan	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"	-	-
			Thomas Moclair	Discharged artificer	200	- ditto 7 Aug. 1834	15 May 1835	None -	15 April.	-	-
			Daniel Anderson	Discharged soldier	100	- ditto 12 Mar. 1833	10 April 1833	-- Reside on grant three years.	21 April.	-	-
			John Smith, jun.	Militia -	100	-- Cert. adjutant-gen. militia, 16 June 1834	2 Mar. 1836	None -	9 April.	-	-

(continued.)

Susannah Tuttle	D. U. E.	-	200	-	-	Order in council, 7 Aug. 1834	9 April 1836	ditto -	-	9 April.
Joseph Hinks	S. U. E.	-	200	-	-	ditto 8 May 1833	20 Feb. 1836	ditto -	-	15 April.
Peter Sills	Militia	-	100	-	-	-- Cert. adjutant-gen. militia, 19 July 1820	2 May 1836	ditto -	-	10 May.
William Huff	ditto	-	100	-	-	ditto 7 Feb. 1834	27 Feb. 1836	ditto -	-	11 May.
Andrew Recheley	ditto	-	100	-	-	ditto 21 July 1820	29 Feb. 1836	ditto -	-	"
James Bradshaw	ditto	-	100	-	-	ditto 21 June 1820	2 Mar. 1836	ditto -	-	"
Peter Davey	ditto	-	100	-	-	ditto 5 Feb. 1820	27 Feb. 1836	ditto -	-	"
James Hart	ditto	-	100	-	-	ditto 22 July 1820	2 Mar. 1836	ditto -	-	"
Samuel Barnhart	ditto	-	100	-	-	ditto 21 July 1820	2 Mar. 1836	ditto -	-	"
Hannah Forshee	D. U. E.	-	200	-	-	-- Order in council, 2 Oct. 1834	6 Oct. 1834	ditto -	-	"
Lucretia McKenzie	ditto	-	200	-	-	ditto 5 Sept. 1833	7 Sept. 1833	ditto -	-	"
Nancy Crowder	ditto	-	200	-	-	ditto 22 April 1831	6 Oct. 1834	ditto -	-	"
Colin Ross	S. U. E.	-	200	-	-	ditto 22 July 1824	27 Feb. 1836	ditto -	-	"
Caroline McKenzie	D. U. E.	-	200	-	-	ditto 5 Sept. 1833	7 Sept. 1833	ditto -	-	"
Susannah Watson	ditto	-	200	-	-	ditto 2 Oct. 1834	6 Oct. 1834	ditto -	-	"
Jane Young	ditto	-	200	-	-	ditto 13 June 1818	27 Feb. 1836	ditto -	-	"
Helen Kirkpatrick	ditto	-	200	-	-	ditto 4 Sept. 1834	3 Nov. 1834	ditto -	-	31 May.
John Bannon	Discharged soldier	-	100	-	-	ditto 8 June 1832	- June 1832	-- Reside on grant three years.	-	13 June.
Truman Nappin	Militia	-	100	-	-	-- Cert. adjutant-gen. militia, 29 July 1834	18 Jan. 1836	None -	-	1 June.
Samuel Whitley	S. U. E.	-	200	-	-	-- Order in council, 22 July 1824	2 Mar. 1825	ditto -	-	"
Henrietta Fisher	D. U. E.	-	200	-	-	ditto 4 Sept. 1834	3 Nov. 1835	ditto -	-	"
William Cotter	Emigrant settler	-	100	-	-	ditto 9 June 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty	-	14 June.
Anna Jones	D. U. E.	-	200	-	-	ditto 30 May 1835	-	None -	-	24 June.
David Dafe	S. U. E.	-	200	-	-	ditto 30 May 1834	-	ditto -	-	"
Daniel Ferguson	ditto	-	200	-	-	ditto 11 Feb. 1836	27 Feb. 1836	ditto -	-	"
William Hinks	ditto	-	200	-	-	ditto 8 May 1833	20 Feb. 1836	ditto -	-	"
Angus M'Donnell	-- Lt. Glen'y. fen- cibles.	-	300	-	-	ditto 28 May 1823	29 April 1836	-- In addition to former grant.	-	16 July.
William Cannon	Hospital assistant	-	400	-	-	ditto 5 May 1826	25 Jan. 1834	Residue of grant	-	28 July.
Jonathan Tipping	Discharged soldier	-	100	-	-	ditto 2 May 1833	30 Nov. 1833	-- Reside on grant three years.	-	28 April.
John Cronk	-	-	200	-	-	-- Claim allowed un- der com. July 1835.	-	-	-	Patent fee paid.
Canada Company	-	-	100	-	-	-- Order in council, 4 Feb. 1836	-	-	-	6 April
Mary Phelan (widow)	Discharged soldier	-	100	-	-	ditto 11 Aug. 1831	By agent	-	-	5 May.
Robert Simpson	-	-	100	-	-	ditto 8 Nov. 1831	-	-- Reside on grant three years.	-	7 May.
Joseph Murray	-	-	100	-	-	ditto - ditto	- Sept. 1831	ditto -	-	13 June.
Patrick Farley	-	-	100	-	-	ditto 11 Aug. 1831	By agent	ditto -	-	"
							- Nov. 1831	ditto -	-	"

Cramahe

Douro

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued.*

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Newcastle— <i>continued.</i>	Northumber- land— <i>cont^d.</i>	Douro— <i>continued.</i>	Samuel Smyth	Discharged soldier	100	-- Order in council, 9 June 1836	-- By agent in 1832 or 1833.	-- Reside on grant three years.	1836: 14 June.	£. s.	
			Michael Landergan	Emigration settler	100	- ditto 12 May 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty -	9 June.		
			Edward Cotter	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"		
			Dennis McCarty	- ditto -	100	- ditto 9 June 1836	- ditto -	- ditto -	14 June.		
			Canada Company	- ditto -	100	- ditto 4 Feb. 1836	- ditto -	- ditto -	5 May.		
			James Thompson	- ditto -	4	- Special order in council, 2 June 1836	- ditto -	- Reserving a road in lieu thereof,	16 July.		
		Dummer	James Blackley	Discharged soldier	100	-- Order in council, 24 Mar. 1836	-- By agent, 1832-1833.	-- Reside on grant three years.	22 April.		
			James McPherson	-- Emigrant from Scotland in 1815.	100	- ditto 28 Oct. 1835	- ditto -	Settlement duty -	14 April.		
			Thomas Hartwell	- ditto -	200	- ditto 2 April 1835	- ditto -	- On condition of erecting a grist-mill by 1 January 1836.	7 April.		
			Charles Sheridan	Discharged soldier	100	- ditto 4 May 1836	-- By agent, July 1832.	-- Reside on grant three years.	31 May.		
			James Range	- Discharged serjeant.	100	- ditto 21 July 1831	By agent -	- ditto -	"		
			John McKernan	Discharged soldier	100	- ditto 23 July 1832	1 Aug. 1832	- ditto -	"		
			Daniel Murphy	- ditto -	100	- ditto 19 Mar. 1836	-- By agent in 1832 or 1833.	- ditto -	"		
			David McPherson	-- Emigrant from Scotland in 1815.	100	- ditto 28 Feb. 1835	- ditto -	Settlement duty -	"		
			John Witherup	- ditto -	100	- ditto 6 Sept. 1832	29 Aug. 1822	-- Reside on grant three years.	13 June.		
			William Cleddesdale	- ditto -	100	- ditto 11 Aug. 1831	- ditto 1831	- ditto -	"		
			George Burney	- ditto -	100	- ditto 15 May 1832	Sept. 1832	- ditto -	"		
			John Fraine	- ditto -	100	- ditto 6 Sept. 1832	October 1832	- ditto -	21 June.		
			Daniel Gates	- ditto -	100	- ditto 12 July 1831	By agent -	- ditto -	25 June.		
			Peter Doyle	- ditto -	100	- ditto 27 July 1836	- ditto, about 1833.	- ditto -	28 June.		
			Fenton Whelan	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"		
			William Archer	-- Discharged serjeant.	200	- ditto 7 July 1831	15 Mar. 1832	- ditto -	18 July.		
		Ennismore	-- Michael Costello, jun.	Emigrant settler	100	- ditto 9 June 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty -	14 June.		
		Hamilton	Patrick Sullivan	- ditto -	200	- ditto 24 April 1835	- ditto -	- ditto -	20 June.		
			Nathan W. Tripp	-- Clergy reserve sale.	1	- Cert. con. crown lands - 18 July 1836	- ditto -	- ditto -	19 June -	5	

Harvey	Isaac Cole	Militia	200	-- Cert. adjutant-gen. militia, 8 May 1821	1 Feb. 1836	None	15 April.
	Henry Comer	S. U. E.	200	-- Order in council, 15 May 1835	16 June 1835	ditto	"
	Elizabeth Williams	D. U. E.	200	ditto 5 Jan. 1835	6 Feb. 1835	ditto	"
	Isabel Hawley	- ditto	200	ditto 7 Feb. 1835	20 Feb. 1836	ditto	"
	Matthias Switzer	- ditto	200	ditto 19 June 1832	- ditto	ditto	"
	Martin Pettingell	- ditto	200	ditto 18 July 1834	1 Feb. 1836	ditto	"
	John B. Crowe	Crown land sale	375	-- Cert. com. crown lands, 6 June 1836	-	-	£. s. d. 11 June - 90 14 9
	John Bell	Militia	200	-- Cert. adjutant-gen. militia, 19 July 1820	12 Jan. 1824	None	21 June.
	Gilbert Curtis Bogart.	S. U. E.	200	-- Order in council, 15 Dec. 1832	6 Feb. 1835	ditto	10 June.
	Eve Griggs	D. U. E.	200	ditto 19 July 1826	6 April 1831	ditto	"
	Peter Mills	S. U. E.	200	ditto 5 Sept. 1833	7 Sept. 1833	ditto	"
	Sarah Smith	D. U. E.	200	ditto 26 July 1820	4 Sept. 1833	ditto	21 June.
	Stephen Reddon	S. U. E.	200	ditto 1 July 1820	- ditto	ditto	"
Monaghan	Robert Leadbeater	-- Settler, regulations 1 Jan. 1820.	100	ditto 2 Apr. 1823	2 May 1823	-- Settlement duty and fees.	-- Patent fee and survey paid.
	Christopher Baker	Discharged soldier	100	ditto 19 Feb. 1818	-	-- Reside on grant three years.	11 June.
	Jeremiah Parker	-- Settler, regulations 6 July 1804.	100	ditto 18 June 1819	-- By land board prior to 1826.	-- Settlement duty and fees.	21 June - ditto.
Murray	Canada Company	-	100	ditto 4 Feb. 1836	-	-	5 May.
Otonabee	Thomas Carr	-	100	-- Claim allowed under com. - July 1835	-	-	30 May.
	William Kingsmill and another.	-- In lieu of a lot surrendered.	30	-- Order in council, 10 Feb. 1836	-	-	"
	Edward Landers	Discharged soldier	100	ditto 7 July 1831	31 May 1832	-- Reside on grant three years.	10 June.
	Connel J. Baldwin	-- Captain, half-pay, 50th regiment.	138	ditto 25 Oct. 1828	28 Jan. 1835	-- Reside in colonies 2 years & sett. duty.	"
	Thomas Nelson	-- Settler, under Capt. Spillbury.	100	-- General order in council, 13 Mar. 1819	10 May 1820	Settlement duty	14 June.
	John Blizard, jun.	-- Settler, regulations 6 July 1804.	100	ditto - ditto	12 Jan. 1822	-- Settlement duty and fees.	"
	Archibald McIntyre	- ditto 1 Jan. 1820.	50	ditto - ditto	5 Mar. 1825	Settlement duty	10 June.
	Duncan McIntyre	- ditto -	50	ditto - ditto	-- Located by Hon. P. Robinson prior to 1828.	In addition -	"
	James O'Keefe	Emigrant settler	100	-- Order in council, 12 May 1836	-	Settlement duty	9 June.
	Philip Serjeant	- ditto	100	ditto - ditto	-	- ditto	"
	Patrick Roach	- ditto	100	ditto - ditto	-	- ditto	"
	Nicholas Keating	- ditto	100	ditto - ditto	-	- ditto	"
	John Falvey	- ditto	100	ditto - ditto	-	- ditto	"
	Richard Condon	- ditto	100	ditto - ditto	-	- ditto	"
	Florence Driscoll	- ditto	100	ditto - ditto	-	- ditto	"
	Maurice Roach	- ditto	100	ditto - ditto	-	- ditto	10 June.

(continued.)

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued.*

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Newcastle— <i>continued.</i>	Northumber- land— <i>cont'd</i>	Otonabee— <i>continued.</i>	Anthony Birdsall -	-- Settler, regula- tions 5 Jan. 1819.	100	-- Order in council, 18 Aug. 1819	3 Jan. 1820	-- Settlement duty and fees.	1836: 13 June -	£. s.	-- Patent fee and survey paid.
			James Condon -	Emigrant settler	100	-- ditto 13 June 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty -	15 June.	-	-
			Thomas Hallahan -	- ditto -	100	- ditto -	- ditto -	- ditto -	"	-	-
			Michael Haulon -	- ditto -	100	- ditto -	- ditto -	- ditto -	"	-	-
			Thomas Henderson -	-- Settler, regula- tions 5 Jan. 1819.	150	-- ditto 23 Dec. 1835	24 Nov. 1827	-- Settlement duty and fees.	22 June -	-	- ditto.
			George Buck -	Emigrant settler	100	- ditto 13 June 1836	-- By Hon. P. Robinson, prior to 1828.	Settlement duty -	25 June.	-	-
			William Kay -	Purser, R. N.	100	- ditto 11 Jan. 1834	15 Oct. 1835	-- Reside in colonies 2 years & sett. duty.	31 May -	-	Free.
			William Kingsmill, &c.	-- In lieu of a lot surrendered.	200	- ditto 11 Feb. 1836	- - - -	- - - -	30 May -	-	ditto.
			James Harper -	Lieutenant, R. N.	200	- ditto 27 Sept. 1836	30 May 1836	- ditto -	13 June -	-	ditto.
			Robert Cock -	- ditto -	369	- ditto 7 Aug. 1834	11 Aug. 1834	- ditto -	17 June -	-	ditto.
		Smith -	John Tice -	-- Lieutenant, 2d garrison batt.	100	- ditto 28 Oct. 1833	- - - -	- ditto -	23 June -	-	ditto.
			Mungo Ponton -	- - - -	400	- ditto 4 Aug. 1831	-- By agent about 1831 or 1832.	Settlement duty -	21 June -	-	ditto.
			Canada Company -	- - - -	100	- ditto 4 Feb. 1836	- - - -	- - - -	5 May.	-	-
			William Wilson -	-- Settler, regula- tions 6 July 1804.	100	-- General order in council, 13 Mar. 1819	6 Aug. 1825	-- Settlement duty and fees.	17 April -	-	-- Patent fee and survey paid.
			Catharine Davis (widow.)	Discharged soldier	100	-- Order in council, 1 Sept. 1831	22 Sept. 1831	-- Reside on grant three years.	11 May -	-	Free.
			Mary Ann Rogers (widow.)	- ditto -	100	- ditto 3 Feb. 1833	5 April 1836	- ditto -	10 June -	-	ditto.
			Michael Brennan -	- ditto -	100	- ditto 6 Oct. 1831	19 Dec. 1836	- ditto -	14 June -	-	ditto.
			Christopher Quinn -	- ditto -	100	- ditto 4 Aug. 1831	Dec. 1831	- ditto -	"	-	ditto.
			James Rogers -	Discharged serjt.	200	- ditto 25 Oct. 1831	28 Oct. 1831	- ditto -	"	-	ditto.
			Patrick Sweeney -	Discharged soldier	100	- ditto 23 Jan. 1836	-- Located by agent.	- ditto -	24 June -	-	ditto.
			Stephen Nichol -	-- Regulations, 6 July 1804.	100	-- General order in council, 13 Mar. 1819	13 June 1819	-- Reside on grant three years.	11 June -	-	-- Fee and sur- vey paid.
			George Hanan -	Emigrant settler	100	-- Special order in council, 12 May 1836	-- Located by P. Robinson, prior to 1826.	Settlement duty -	9 June -	-	Free.
			William McDonald -	- ditto -	100	- ditto -	- ditto -	- ditto -	"	-	ditto.
			John Bolster -	- ditto -	100	- ditto -	- ditto -	- ditto -	"	-	ditto.
			Denis Hanan -	- ditto -	100	- ditto -	- ditto -	- ditto -	"	-	ditto.
			Richard Andrews -	- ditto -	100	- ditto -	- ditto -	- ditto -	"	-	ditto.

[illegible]

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Home— continued.	York— continued.	Brock—cont ^d .	Cornelius Johnson	Militia	100	- - Cert. adj.-gen. militia - 24 June 1833	25 June 1833	None	1836. 16 June	£.	Free.
			James Jones	- - Settler, regulation 6 July 1804.	100	- - Order in council, 24 May 1819	24 Nov. 1820	- - Settlement duty and fees.	23 June	-	- - Patent fee and survey paid.
			Thomas Smith	- ditto 31 Jan. 1824	100	- ditto 21 Dec. 1825	29 May 1826	- ditto	27 June	-	- ditto.
			Isabella Mathewson (widow.)	Discharged soldier	100	- ditto 6 Oct. 1831	19 May 1832	- - Reside on grant three years.	29 July	-	Free.
			Juliana Wert	D. U. E.	200	- ditto 28 Oct. 1835	16 May 1836	None	"	-	ditto.
			Eliza Farquharson	- ditto	200	- ditto 3 Dec. 1829	20 Mar. 1833	ditto	"	-	ditto.
			George Searle	Discharged soldier	100	- ditto 6 Sep. 1832	22 Sep. 1832	- - Reside on grant three years.	20 April	-	ditto.
			James Fenton	- ditto	100	- ditto 9 May 1832	11 April 1832	ditto	10 June	-	ditto.
			Patrick Misset	- ditto	100	- ditto 6 Sep. 1832	15 Dec. 1833	ditto	15 June	-	ditto.
			Robert Duncan	Discharged sergeant	100	- ditto 2 Oct. 1834	18 June 1835	- ditto	21 June	-	ditto.
		Caledon	Archibald McLean	Discharged soldier	100	- ditto 2 April 1831	29 April 1831	ditto	-	-	ditto.
			John Cooper	- ditto	100	- ditto 2 Feb. 1832	27 Nov. 1832	- ditto	24 June	-	ditto.
			Thomas Blake	Discharged sergeant	200	- ditto 4 Aug. 1831	7 Mar. 1833	- ditto	30 June	-	ditto.
			James Coane	Discharged soldier	100	- ditto 26 July 1820	27 July 1820	Settlement duty	-	-	ditto.
			John Crichton	Settler	50	- ditto - ditto	- ditto	- ditto	23 June	-	ditto.
			Hugh McLearn	- ditto	50	- ditto - ditto	-	- ditto	"	-	ditto.
			William Kennelly	- ditto 31 Jan. 1820	100	- ditto 23 June 1834	16 Dec. 1824	- ditto	2 June	-	- - Patent fee and survey paid.
			Neil McDonald	Discharged soldier	100	- ditto 27 Oct. 1832	5 Dec. 1832	- - Reside on grant three years.	2 July	-	Free.
		Chinguacousey	William Daly	- - Settler, regulation 6 July 1804.	100	- ditto 5 May 1819	11 Sep. 1819	- - Settlement duty and fees.	9 April	-	- - Patent fee and survey paid.
			Dennis Brazil	- ditto	100	ditto 10 Aug. 1819	21 May 1822	- ditto	"	-	- ditto.
			Peter Campbell	Militia	100	- - Cert. adj.-gen. militia - 22 Aug. 1820	22 Aug. 1820	None	14 June	-	Free.
			Isaac Davis	- - Settler, regulation 6 July 1804.	100	- - Order in council, 25 Feb. 1819	11 Sept. 1819	- - Settlement duty and fees.	13 June	-	- - Patent fee and survey paid.
			Francis Campbell	S. U. E.	200	- ditto 5 May 1819	15 Dec. 1819	None	14 June	-	Free.
			Abraham Scott	- - Settler, regulation 6 July 1804.	100	- ditto 1 July 1819	11 Sept. 1819	- - Settlement duty and fees.	"	-	- - Patent fee and survey paid.
			William Higgins	- ditto	100	- ditto 9 Sep. 1819	ditto	- ditto	24 June	-	- ditto.
			Edward Fletcher	- ditto	100	- ditto 2 June 1819	ditto	ditto	29 June	-	- ditto.
			John Miller	- ditto	100	- ditto 30 June 1819	ditto	ditto	-	-	- ditto.
			Nathaniel Cornwall	- ditto	100	- ditto 11 Mar. 1819	ditto	ditto	11 July	-	- ditto.
		Georgina	Canada Company	-	200	- ditto 4 Feb. 1836	-	-	5 May.	-	-
Home— continued.	York— continued.	Gwillimbury, E.	Ebenezer Doan	Clergy reserve sale	100	- - Cert. com. crown lands - 7 June 1836	-	-	14 June	87	ditto.
		Gwillimbury, N.	Elisha Mitchell	-	100	- ditto - ditto	-	-	"	56	ditto.

(continued.)

Pickering	Canada Company	-	-	200	-- Order in council, 4 Feb. 1836	-	-	-	-	-	-	-	-	-	5 May.	-	-	ditto.
Reach	William Reynolds	-	Militia	100	-- Cert. adjutant-gen. militia, 12 April 1820	-	-	-	20 Oct. 1834	None	-	-	-	-	16 June	-	-	-
Scarborough	Canada Company	-	-	100	-- Order in council, 4 Feb. 1836	-	-	-	-	-	-	-	-	-	5 May.	-	-	ditto.
Toronto	Isaac Christy	-	Clergy reserve sale	100	-- Cert. com. crown lands, 10 Mar. 1836	-	-	-	-	-	-	-	-	-	26 May	75	-	-
	George Graham	-	-	100	-- Claim allowed under com. July 1835.	-	-	-	-	-	-	-	-	-	16 April	-	-	-- 1st instalment and patent fee paid, Free.
	William Blain	-	Clergy reserve sale	50	-- Cert. com. crown lands, 21 June 1836	-	-	-	-	-	-	-	-	-	21 June	50	-	-
	Benjamin Stewart	-	-- Settler, regulation 5 Jan. 1819	100	-- Order in Council, 5 May 1819	-	-	-	14 May 1819	-- Settlement duty and fees.	-	-	-	-	9 June	-	-	-- Patent fee and survey paid.
	John Rutledge	-	- ditto -	100	- ditto 22 April 1819	-	-	-	1 May 1819	- ditto	-	-	-	-	16 June	-	-	- ditto.
	William Birdsall	-	-- Settler, regulation 6 July 1804.	200	- ditto 18 June 1817	-	-	-	24 Jan. 1825	- ditto	-	-	-	-	20 June	-	-	- ditto.
	Finlay Cameron	-	- ditto -	100	- ditto 21 April 1836	-	-	-	23 Mar. 1832	- ditto	-	-	-	-	24 June	-	-	- ditto.
	James Nisbit	-	- ditto -	100	- ditto 24 Mar. 1819	-	-	-	4 May 1819	- ditto	-	-	-	-	"	-	-	- ditto.
	Peter Douglas	-	- ditto -	200	- ditto 28 Jan. 1819	-	-	-	- ditto	- ditto	-	-	-	-	25 June	-	-	- ditto.
	William Douglass	-	- ditto -	200	- ditto - ditto -	-	-	-	- ditto	- ditto	-	-	-	-	"	-	-	- ditto.
	William Whaley	-	- ditto 5 Jan. 1819	100	- ditto 22 April 1819	-	-	-	- ditto	- ditto	-	-	-	-	29 June	-	-	- ditto.
	William M'Intosh	-	Crown land sale	200	-- Cert. com. crown lands, - 2 Feb. 1836	-	-	-	-	-	-	-	-	-	13 July	125	-	Free.
	Rev. Peter Jones	-	Indian missionary	200	-- Order in council, 16 June 1836	-	-	-	-	-	-	-	-	-	20 July	-	-	ditto.
	Hon. P. Adamson	-	-- Purchased at public sale, 24 June 1828.	200	-- Special order in council, 31 Mar. 1836	-	-	-	-	-	-	-	-	-	19 July	10s. pa.	-	ditto.
Gore Toronto	Dickinson Fletcher	-	Crown land sale	200	-- Cert. com. crown lands, - 11 May 1836	-	-	-	-	-	-	-	-	-	21 June	162 10	-	ditto.
	John Groves	-	- ditto -	100	- ditto 20 June 1836	-	-	-	-	-	-	-	-	-	"	100	-	ditto.
	John Healy	-	- ditto -	100	- ditto 27 June 1836	-	-	-	-	-	-	-	-	-	27 June	75	-	ditto.
Whitby	Peter M'Donald	-	Clergy reserve sale	100	- ditto May 1836	-	-	-	-	-	-	-	-	-	17 June	100	-	ditto.
Whitchurch	Canada Company	-	-	200	-- Order in council, 4 Feb. 1836	-	-	-	-	-	-	-	-	-	5 May	-	-	ditto.
	John M'Kay	-	Clergy reserve sale	200	-- Cert. com. crown lands, - 23 July 1836	-	-	-	-	-	-	-	-	-	23 July	250	-	ditto.
City of Toronto	Hon. F. Robinson	-	Crown lands sale	1 1/4	- ditto June 1836	-	-	-	-	-	-	-	-	-	24 June	756	-	ditto.
Town of Port Credit.	George Munro	-	- ditto -	1 1/4	- ditto 20 June 1836	-	-	-	-	-	-	-	-	-	"	40	-	ditto.
	John Powell	-	- ditto -	1 1/4	- ditto - ditto -	-	-	-	-	-	-	-	-	-	"	14	-	ditto.
	George Gurnett	-	- ditto -	1 1/4	- ditto 23 June 1836	-	-	-	-	-	-	-	-	-	25 June	12 10	-	ditto.
	Alexander Dixon	-	- ditto -	1 1/4	- ditto - ditto -	-	-	-	-	-	-	-	-	-	"	26 10	-	ditto.
	Anthony B. Hawke	-	- ditto -	1 1/4	- ditto - ditto -	-	-	-	-	-	-	-	-	-	"	10 10	-	ditto.
	George Walton	-	- ditto -	1 1/4	- ditto 27 June 1836	-	-	-	-	-	-	-	-	-	27 June	27	-	ditto.
	John King	-	- ditto -	1 1/4	- ditto - ditto -	-	-	-	-	-	-	-	-	-	"	14 10	-	ditto.

Anthony Gowin	-	ditto	-	200	-	ditto 6 Nov. 1834	30 Mar. 1836	ditto	-	-	ditto.
Charles Wilkes	-	ditto	-	200	-	ditto - ditto	-	ditto	-	-	ditto.
William Mordon	-	ditto	-	200	-	ditto - ditto	15 April 1836	ditto	-	-	ditto.
Augustus Bezer	-	ditto	-	200	-	ditto - ditto	6 April 1836	ditto	-	-	ditto.
John Pettit	-	Militia	-	100	-	- - Cert. adjutant-gen.	26 May 1836	ditto	-	-	ditto.
Samuel Winterbottom.	-	ditto	-	100	-	2 May 1820	19 May 1836	ditto	-	-	ditto.
Jacob Sharp	-	ditto	-	100	-	ditto 5 Feb. 1836	11 April 1836	ditto	-	-	ditto.
Gilbert G. Sharp	-	ditto	-	200	-	ditto - ditto	6 April 1836	ditto	-	-	ditto.
David Sayer	-	ditto	-	500	-	ditto 24 Mar. 1836	8 April 1836	ditto	-	-	ditto.
William Wees	-	S. U. E.	-	200	-	- - Order in council,	13 April 1836	ditto	-	-	ditto.
James Johnson	-	ditto	-	200	-	3 Mar. 1836	27 April 1836	ditto	-	-	ditto.
Robert Lynburner	-	ditto	-	200	-	ditto 10 Mar. 1834	6 April 1836	ditto	-	-	ditto.
Alexander Wintermate.	-	ditto	-	200	-	ditto 4 Feb. 1836	-	ditto	-	-	ditto.
Abraham Wintermate	-	ditto	-	200	-	ditto 20 Oct. 1832	-	ditto	-	-	ditto.
Andrew Rush, jun.	-	ditto	-	200	-	ditto 4 July 1833	-	ditto	-	-	ditto.
Margaret Scholfield	-	ditto	-	200	-	ditto 4 Feb. 1836	13 April 1836	ditto	-	-	ditto.
Daniel Palmer	-	D. U. E.	-	200	-	ditto 21 Dec. 1825	8 April 1836	ditto	-	-	ditto.
Anthony Crowder	-	S. U. E.	-	200	-	ditto 17 Mar. 1836	15 April 1836	ditto	-	-	ditto.
Eliza Thomas	-	ditto	-	200	-	ditto 10 Mar. 1824	21 April 1836	ditto	-	-	ditto.
Julia Ann Pruner	-	D. U. E.	-	200	-	ditto 8 Nov. 1833	12 Mar. 1834	ditto	-	-	ditto.
Elizabeth Carscallen	-	ditto	-	200	-	ditto 28 Oct. 1833	30 Mar. 1834	ditto	-	-	ditto.
Caroline Weagant	-	ditto	-	200	-	ditto 2 Jan. 1833	12 Mar. 1834	ditto	-	-	ditto.
William H. Fraser	-	S. U. E.	-	200	-	ditto 19 Dec. 1833	-	ditto	-	-	ditto.
John White	-	ditto	-	200	-	ditto 9 May 1828	-	ditto	-	-	ditto.
David Jones	-	ditto	-	200	-	ditto 5 Sept. 1833	-	ditto	-	-	ditto.
Mary May	-	D. U. E.	-	200	-	ditto 4 July 1815	-	ditto	-	-	ditto.
Margaret Hamblin	-	ditto	-	200	-	ditto 7 Mar. 1832	-	ditto	-	-	ditto.
Dailey Sellick	-	S. U. E.	-	200	-	ditto 13 Nov. 1818	30 May 1834	ditto	-	-	ditto.
William Robbins	-	ditto	-	200	-	ditto 28 Feb. 1833	12 Mar. 1834	ditto	-	-	ditto.
Abigail Butler	-	D. U. E.	-	200	-	ditto 17 July 1817	-	ditto	-	-	ditto.
Ann Carscallen	-	ditto	-	200	-	ditto - ditto	-	ditto	-	-	ditto.
Robert Chisholm	-	- - Discharged artificer.	-	200	-	ditto 19 Dec. 1823	-	ditto	-	-	ditto.
Michael Dolan	-	Discharged soldier	-	100	-	ditto 3 July 1834	7 Nov. 1835	ditto	-	-	ditto.
George Kingsmill	-	ditto	-	100	-	ditto 21 Feb. 1832	Feb. 1832	- - Reside on grant three years.	-	-	ditto.
George Dunwoody	-	-	-	200	-	ditto 10 Nov. 1830	11 July 1831	- ditto	-	-	ditto.
Hugh Ferguson	-	Militia	-	100	-	- - Claim allowed under com. July 1835.	-	-	-	-	ditto.
Peter Tibbodeau	-	ditto	-	100	-	- - Cert. adjutant-gen.	23 Sept. 1820	None	-	-	ditto.
James McClure, jun.	-	- - Settler, regulation 31 Jan. 1824	-	200	-	9 Sept. 1820	7 April 1836	ditto	-	-	ditto.
David McClure	-	ditto	-	100	-	ditto 15 July 1835	16 Feb. 1827	- - Settlement duty and fees.	-	-	- - Patent fee and survey paid.
	-	-	-	-	-	21 Dec. 1825	-	- ditto	-	-	- ditto.

(continued.)

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued.*

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Home— <i>contd.</i>	Simcoe— <i>continued.</i>	Flos	William Campbell	Discharged soldier	100	-- Order in council, 20 Oct. 1832	30 Oct. 1832	-- Reside on grant three years.	1836: 29 April	£. s.	Free.
			Andrew Hawkins	Discharged serjt -	200	- ditto 28 Sept. 1832	9 Mar. 1832	- ditto	6 May	-	ditto.
			David McDougall	- Discharged coxswain.	200	- ditto 9 Dec. 1826	12 Dec. 1826	- ditto	20 June	-	ditto.
			Elizabeth Morgan	D. U. E. -	200	- ditto 17 Feb. 1835	2 Nov. 1826	None	14 June	-	ditto.
			Henry Runion, jun.	S. U. E. -	200	- ditto 20 Oct. 1832	18 Jan. 1833	-	"	-	ditto.
			Mary A. Keeler	D. U. E. -	200	- ditto 20 Oct. 1819	23 April 1831	-	17 June	-	ditto.
			Esther Drew	- ditto -	200	- ditto 27 Mar. 1829	14 Dec. 1822	-	"	-	ditto.
			Dennis McGennerty	Discharged soldier	100	- ditto 20 Jan. 1833	Jan. 1833	-- Reside on grant three years.	18 July	-	ditto.
			Amey Boughner	D. U. E. -	200	- ditto 9 Feb. 1832	2 July 1836	None	29 July	-	ditto.
			Francis Conway	-- Settler, regula- tion 6 Jan. 1804.	100	- ditto 18 Aug. 1819	4 Jan. 1820	-- Settlement duty and fees.	"	-	Patent fee paid.
	Gwillimbury West.		Alexander Dixon	- Discharged serjeant.	200	- ditto 14 Nov. 1831	19 June 1832	-- Reside on grant three years.	3 June	-	Free.
			James Davies	Discharged soldier	100	- ditto 8 June 1832	9 July 1832	- ditto	10 June	-	ditto.
			John O'Donnell	- ditto -	100	- ditto 22 May 1832	29 May 1832	- ditto	21 June	-	ditto.
			Patrick Flanagan	- ditto -	55	- ditto 2 Aug. 1832	1 July 1833	- ditto	22 June	-	ditto.
			John Nelson	- ditto -	100	- ditto 14 Nov. 1831	18 Nov. 1831	- ditto	24 June	-	ditto.
			James Wallace	-- Settler, regula- tion 6 July 1804.	100	- ditto 3 Nov. 1819	15 Nov. 1819	-- Settlement duty and fees.	10 June	-	Patent fee paid.
			James Stodars	- ditto -	100	- ditto 13 Nov. 1819	16 Nov. 1819	- ditto	"	-	- ditto.
			William Sutherland	- ditto -	100	- ditto 25 Aug. 1819	- ditto -	- ditto	"	-	- ditto.
			John Kerr	-- Settler, regula- tion 1 Jan. 1820.	100	- ditto 8 Jan. 1823	11 Jan. 1823	- ditto	"	-	-- First instal- ment and patent fee paid.
			James McGee	-- Settler, regula- tion 6 July 1804.	100	- ditto 8 April 1819	15 Nov. 1819	- ditto	13 June	-	- ditto.
			William White	- ditto -	100	- ditto 16 June 1819	- ditto	- ditto	17 June	-	- ditto.
			William McAllister	- ditto -	200	- ditto 10 Jan. 1824	24 June 1824	- ditto	"	-	- ditto.
			William Booth	Discharged soldier	100	- ditto 6 Oct. 1831	12 Oct. 1831	-- Reside on grant three years.	11 May	-	Free.
			John Arthur	- ditto -	100	- ditto 20 Oct. 1832	18 Jan. 1833	- ditto	8 June	-	ditto.
			William Leslie	Discharged serjt	200	- ditto 6 Nov. 1829	29 May 1832	- ditto	"	-	ditto.
			John Anderson	- ditto -	100	- ditto 6 Sept. 1832	18 Sept. 1832	- ditto	14 June	-	ditto.
			Thomas Easton	Discharged soldier	50	- ditto 10 Aug. 1832	April 1833	- ditto	23 June	-	ditto.
			Joseph Leav, or J. B. Chapelle.	Militia -	100	-- Cert. adjutant-gen., militia, 6 April 1820	6 April 1820	None	25 June	-	ditto.
			Lewis Clement	Crown land sale -	100	-- Cert. com. crown land, 1 July 1836	-	-	1 July	37 10	-
			John McGuire	- Discharged serjeant.	100	-- Order in council, 4 Oct. 1832	15 Nov. 1832	-- Reside on grant three years	25 July	-	ditto.

		-- Settler, regulation	100	-- Order in council,	3 Jan. 1827	-- Settlement duty and fees.	13 Jun -	Patent fee paid.
James Marshall	-	tion 31 Jan. 1824.	100	- ditto 24 Nov. 1824	- ditto	-	-	- ditto.
Alexander Marshall	-	- ditto -	100	- ditto 26 Oct. 1825	9 Oct. 1828	-	14 June -	- ditto.
John Wilson	-	- ditto -	100	- ditto -	6 Nov. 1827	-	25 June -	- ditto.
George Clookey	-	- ditto -	100	- ditto 4 Feb. 1836	-	-	"	- ditto.
Canada Company	-	- ditto 6 Jan. 1804	100	- ditto 17 Nov. 1819	30 Mar. 1820	-- Reside in colony two years, and settlement duty.	5 May.	-- Settlement duty and fees.
Robert Miller	-		100				28 July -	
Mosa	Ogden Creighton	Capt. 81st regiment	809	- ditto 13 June 1831	5 Dec. 1831	None	17 June -	Free.
	Hugh McCracken	Militia	100	-- Cert adj.-gen. militia, filed - 9 March 1836	18 Mar. 1836	ditto	8 June -	ditto.
	William McLaughlin	- ditto -	100	- Cert. 2 August 1834	- ditto	ditto	"	ditto.
	Henry Schwartzfager	- ditto -	100	Filed 14 March 1836	- ditto	ditto	"	ditto.
	Joseph Pomarille	- ditto -	100	ditto 17 March 1836	- ditto	ditto	"	ditto.
	Baptiste Legrove	- ditto -	100	ditto 9 March 1836	- ditto	ditto	"	ditto.
	John McKeuzie	- ditto -	500	ditto 11 March 1836	15 April 1836	ditto	14 June -	ditto.
	Henry Shaver	- ditto -	100	ditto 29 April 1836	13 May 1836	ditto	21 June -	ditto.
	John Dillabough	- ditto -	100	ditto 13 May 1836	- ditto	ditto	"	ditto.
	Jacob Garlock	- ditto -	100	- ditto -	- ditto	ditto	"	ditto.
	Alexander Cameron	S. U. E.	200	-- Order in council, 22 May 1832	14 May 1836	ditto	14 June -	ditto.
	Henry Ullman	- ditto -	200	- ditto 3 Dec. 1835	13 May 1836	ditto	21 June -	ditto.
	Philip Sharp	- ditto -	200	ditto 3 Mar. 1836	- ditto	ditto	"	ditto.
	Michael Sharp	- ditto -	200	- ditto -	- ditto	ditto	"	ditto.
	Jane Runion	D. U. E.	200	ditto 26 Mar. 1836	- ditto	ditto	"	ditto.
Medonte	Mary Waggoner	- ditto -	200	ditto 17 Mar. 1836	26 Mar. 1836	ditto	"	ditto.
	Rose Ann Furdel	- ditto -	200	ditto 19 Mar. 1836	16 May 1836	ditto	"	ditto.
	Abraham Sheets	S. U. E.	200	- ditto 3 Mar. 1836	13 May 1836	ditto	"	ditto.
	William Archer	Discharged soldier	100	- ditto 23 July 1832	Aug. 1832	-- Reside on grant three years.	8 April -	ditto.
	John Bremner	- ditto -	100	-- Special order in council, 19 Mar. 1836	By agent 1832	- ditto	"	ditto.
	Joseph Butcher	- ditto -	200	- Order in council, 21 June 1832	Aug. 1832	- ditto	"	ditto.
	Duncan McArthur	S. U. E.	200	- ditto 4 Sept. 1834	22 Jan. 1836	None	"	ditto.
	Alexander McGrigor	- ditto -	200	ditto 8 Dec. 1835	21 Jan. 1836	ditto	"	ditto.
	John McCloskey	Discharged serjeant	200	- ditto 7 July 1831	1 Dec. 1832	-- Reside on grant three years.	1 June -	ditto.
	John Carthew	Lieutenant, R. N.	500	- ditto 2 Aug. 1832	25 July 1834	-- Reside in colony two years and perform settlement duty.	6 June -	ditto.
	John Seal	Discharged soldier	100	- ditto 28 Sept. 1832	1 Oct. 1832	-- Reside on grant three years.	8 June -	ditto.
	Joseph Cockburn	Discharged serjeant	200	- ditto 12 June 1832	Aug. 1832	- ditto	"	ditto.
	Timothy Kovan	Discharged soldier	100	ditto 5 July 1832	- 1832	- ditto	"	ditto.
	Conway Bunton	- ditto -	100	ditto 28 June 1832	Nov. 1832	- ditto	10 June -	ditto.
	John Bell	Discharged serjeant	200	- ditto 23 July 1832	By agent 1832	- ditto	"	ditto.

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Home— continued.	Simcoe— continued.	Medonte— continued.	Neil Lawler -	Discharged soldier	100	-- Order in council, 28 June 1832	By agent 1832	-- Reside on grant three years.	1836: 10 June -	£. s.	Free.
			Thomas Quail	- ditto -	100	- ditto 19 June 1832	- ditto -	- ditto -	"	-	ditto.
			John Teaming	- ditto -	100	- ditto 21 June 1832	- ditto -	- ditto -	"	-	ditto.
			Thomas Kelly	- ditto -	100	- ditto 23 July 1832	18 July 1832	- ditto -	"	-	ditto.
			John Fullarton	- ditto -	100	- ditto 12 June 1832	By agent 1832	- ditto -	"	-	ditto.
			John Whelan	- ditto -	100	- ditto 23 July 1832	19 July 1832	- ditto -	"	-	ditto.
			John Jameson	- ditto -	100	- ditto 12 June 1832	By agent 1832	- ditto -	"	-	ditto.
			James Fox -	- ditto -	100	- ditto 23 July 1832	July 1832	- ditto -	"	-	ditto.
			Jethro Robins	- ditto -	100	- ditto 12 June 1832	June 1832	- ditto -	"	-	ditto.
			Samuel Cowan	- ditto -	100	- ditto 23 July 1832	July 1832	- ditto -	"	-	ditto.
			Samuel McClure	- ditto -	100	- ditto 12 June 1832	June 1832	- ditto -	"	-	ditto.
			Justus Rutherford	- ditto -	100	- ditto 23 July 1832	July 1832	- ditto -	"	-	ditto.
			Patrick O'Donald	- ditto -	200	- ditto 27 June 1832	10 Sept. 1832	- ditto -	"	-	ditto.
			Charles Fitzgerald	Discharged serjeant	100	- ditto 23 July 1832	1 Oct. 1832	- ditto -	"	-	ditto.
			John Bailey -	Discharged soldier	100	- ditto 28 Sept. 1832	- ditto -	- ditto -	"	-	ditto.
			Richard Brimsmead	- ditto -	200	- ditto 21 Jan. 1832	By agent 1832	- ditto -	"	-	ditto.
			Jeremiah Reardon	Discharged soldier	100	- ditto 28 June 1832	- ditto -	- ditto -	"	-	ditto.
			George Walker	- ditto -	100	- ditto 8 June 1832	- ditto -	- ditto -	"	-	ditto.
			Thomas McCondra	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"	-	ditto.
			George Alibone	- ditto -	100	- ditto 5 July 1832	- ditto -	- ditto -	"	-	ditto.
			Jane Lucy (widow)	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"	-	ditto.
			George McKay	- ditto -	100	- ditto 28 June 1832	- ditto -	- ditto -	13 June -	-	ditto.
			William Gruet	- ditto -	200	- ditto 7 July 1831	27 Oct. 1831	- ditto -	"	-	ditto.
				-- Discharged in- terpreter.		- ditto 6 Feb. 1830	28 April 1836	- ditto -	17 June -	-	ditto.
			William Ross	Discharged serjeant	200	- ditto 23 July 1832	Aug. 1832	- ditto -	20 June -	-	ditto.
			Samuel French	Discharged soldier	100	- ditto 5 July 1832	July 1832	- ditto -	"	-	ditto.
			John Hynes -	- ditto -	100	- ditto 23 July 1832	Sept. 1832	- ditto -	"	-	ditto.
			William Watt	- ditto -	100	- ditto 25 July 1833	July 1833	- ditto -	"	-	ditto.
			Andrew Kinghorn	- ditto -	100	- ditto 28 June 1832	July 1832	- ditto -	21 June -	-	ditto.
			John Byrnes	- ditto -	200	- ditto 28 July 1833	18 Aug. 1833	- ditto -	"	-	ditto.
			George Moore	Discharged serjeant	100	- ditto 23 July 1832	July 1832	- ditto -	"	-	ditto.
			James Ferguson	Discharged soldier	100	- ditto 12 June 1832	June 1832	- ditto -	"	-	ditto.
			Joseph Evans	- ditto -	100	- ditto 23 July 1832	July 1832	- ditto -	24 June -	-	ditto.
			Grimes Moorhead	- ditto -	100	- ditto 6 Sept. 1832	2 Aug. 1833	- ditto -	29 June -	-	ditto.
			Jacob Powell	- Militia -	200	-- Cert. adj.-gen. militia, 8 May 1821	23 Feb. 1836	None -	8 June -	-	ditto.
			Charlotte Dousley	- D. U. E. -	200	-- Order in council, 7 Aug. 1828	23 Feb. 1834	ditto -	"	-	ditto.
			Joseph Williams	- Discharged soldier	100	- ditto 28 June 1832	20 Aug. 1832	-- Reside on grant three years.	7 July -	-	ditto.
			James Burnfield	Discharged serjeant	200	- ditto 24 Jan. 1833	18 Feb. 1833	- ditto -	18 July -	-	ditto.
			John Taylor -	- Militia -	500	-- Cert. adj.-gen. militia, 28 Jan. 1833	8 Mar. 1836	None -	29 July -	-	ditto.

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Melancthon	Robert Young	S. U. E.	-	200	-- Order in council, 20 Sept. 1824	16 April 1836	ditto -	-	24 July	ditto.
	Eleanor Logan	D. U. E.	-	200	- ditto 10 Mar. 1834	11 April 1836	ditto -	-	12 April	ditto.
	William Spencer	Militia	-	100	-- Cert. adjutant-gen. militia, 26 Dec. 1834	26 Dec. 1834	ditto -	-	8 June	ditto.
	Caleb Swazey	- ditto	-	100	- ditto 18 Jan. 1834	22 May 1834	ditto -	-	"	ditto.
	James Falconer, jun.	S. U. E.	-	200	-- Order in council, 3 Dec. 1829	23 March 1832	ditto -	-	"	ditto.
	Daniel Wright	- ditto	-	200	- ditto 7 June 1826	8 March 1836	ditto -	-	"	ditto.
	James Hare	- ditto	-	200	- ditto 29 Apr. 1824	1 June 1836	ditto -	-	24 June	ditto.
Mono	George G. Hitts	Militia	-	100	-- Cert. adjutant-gen. 19 Sep. 1820	30 Dec. 1823	ditto -	-	May	ditto.
	Hugh Mulvogue	Discharged soldier	-	100	-- Order in council, 7 Apr. 1831	12 Dec. 1832	-- Reside on grant three years.	-	8 June	ditto.
	Francis M'Laughlin	-- Settler, regula- tions 31 Jan. 1824	-	100	- ditto 18 Aug. 1824	19 Aug. 1824	-- Settlement duty and fees.	-	13 June	-- Patent fee and survey paid. Free.
Nottawasaga	Wm. Caldwell	Militia	-	600	-- Cert. adjutant-gen. militia, - 9 Sep. 1820	14 March 1832	- ditto	-	4 April	-
	Wm. Atkinson	-	-	200	-	-	-	-	15 June	-- Patent fee and survey paid. Free.
	Frederic Winter	Militia	-	100	-- Cert. adj.-gen. militia, filed 11 July 1835	18 March 1836	None	-	8 June	Free.
	Cheseley Pitts	- ditto	-	100	- ditto - ditto -	- ditto	ditto	-	"	ditto.
	Laney Lester	D. U. E.	-	200	-- Order in council, 4 Sep. 1834	8 March 1836	ditto	-	"	ditto.
	James S. Davis	S. U. E.	-	200	- ditto 28 Oct. 1835	14 March 1836	ditto	-	"	ditto.
	John House, jun.	- ditto	-	200	- ditto 7 Dec. 1825	21 Jan. 1826	ditto	-	"	ditto.
	Francis Pollard	Militia	-	100	-- Cert. adjutant-gen. militia, filed 4 Mar. 1836	22 March 1836	ditto	-	15 April	ditto.
	John Dorchiner	- ditto	-	100	- ditto 22 May 1820	26 May 1820	ditto	-	"	ditto.
	Erastus Jackson	S. U. E.	-	200	-- Order in council, 4 Dec. 1834	11 March 1836	ditto	-	"	ditto.
	Abm. Bowman, jun.	- ditto	-	200	- ditto 7 Dec. 1825	22 March 1836	ditto	-	"	ditto.
	Geo. Adam Bowman	- ditto	-	200	- ditto 8 Dec. 1825	- ditto	ditto	-	"	ditto.
	Henry Sencibaugh	- ditto	-	200	- ditto 28 Mar. 1825	- ditto	ditto	-	"	ditto.
	Henry Gilmore	- ditto	-	200	- ditto 8 Dec. 1825	- ditto	ditto	-	"	ditto.
	Thomas Hunt	- ditto	-	200	- ditto 7 Aug. 1834	- ditto	ditto	-	"	ditto.
	Elizabeth Snure	D. U. E.	-	200	- ditto 25 July 1833	- ditto	ditto	-	"	ditto.
	Margaret Thompson	- ditto	-	200	- ditto 1 May 1834	- ditto	ditto	-	"	ditto.
	Lewis Hunt	S. U. E.	-	200	- ditto 7 Aug. 1834	- ditto	ditto	-	"	ditto.
	Margaret Ruitan	D. U. E.	-	200	- ditto 28 Oct. 1835	- ditto	ditto	-	"	ditto.
	James M'icking	S. U. E.	-	200	- ditto 15 May 1835	- ditto	ditto	-	"	ditto.
	Christ ^a Sencibaugh, jun.	- ditto	-	200	- ditto 28 Mar. 1835	- ditto	ditto	-	"	ditto.
	Jacob Bowman	- ditto	-	200	- ditto 8 Dec. 1835	- ditto	ditto	-	"	ditto.
	Sarah Ann Senci- baugh.	D. U. E.	-	200	- ditto 28 Mar. 1835	- ditto	ditto	-	"	ditto.
	Anna Hoshall	- ditto	-	200	- ditto 17 July 1817	21 March 1836	ditto	-	"	ditto.
	Benjamin Middaugh	S. U. E.	-	200	- ditto 11 Feb. 1836	22 March 1836	ditto	-	"	ditto.

(continued.)

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Home— continued.	Simcoe— continued.	Nottawasaga— continued.	Philip Bowman	S. U. E.	200	-- Order in Council, 8 Dec. 1835	22 March 1836	None	1836: 15 April	£. s.	Free.
			Ralph B. Lindsay	ditto	200	ditto 4 Dec. 1834	11 March 1836	ditto	"	-	ditto.
			Wm. Gilmore	ditto	200	ditto 28 Feb. 1829	22 March 1836	ditto	"	-	ditto.
			Cornelius Platto	ditto	200	ditto 24 Mar. 1835	ditto	ditto	"	-	ditto.
			Abraham Lestre	Discharged artificer	200	ditto 26 Dec. 1834	11 March 1836	ditto	11 May	-	ditto.
			Bogert Walton	ditto	200	ditto 6 Nov. 1834	ditto	ditto	"	-	ditto.
			Cornelius Buckner	ditto	200	ditto - ditto	ditto	ditto	"	-	ditto.
			John Lane	Militia	100	-- Cert. adjutant-gen. militia, 21 Apr. 1836	5 May 1836	ditto	8 May	-	ditto.
			Adam Miller	ditto	100	ditto 5 May 1821	11 March 1836	ditto	"	-	ditto.
			George Lane	ditto	100	ditto 19 June 1820	ditto	ditto	11 May	-	ditto.
			Abner De Cow	ditto	100	ditto 7 May 1821	ditto	ditto	10 May	-	ditto.
			Stephen Garlough	ditto	100	ditto 2 Aug. 1834	22 March 1836	ditto	11 May	-	ditto.
			Peter Primer	ditto	100	ditto 25 Oct. 1834	28 Oct. 1834	ditto	"	-	ditto.
			Jehiel H. Philips	ditto	200	ditto 26 Mar. 1836	28 March 1836	ditto	"	-	ditto.
			Jacob H. Merkeley	ditto	200	ditto - ditto	ditto	ditto	"	-	ditto.
			Stephen Jones	ditto	500	ditto filed ditto	ditto	ditto	"	-	ditto.
			David D. Jones	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Henry Dopp	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Joseph Barton	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Joseph Bundage	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			John Griffin	ditto	100	ditto - Oct. 1835	11 March 1836	ditto	"	-	ditto.
			George Eligh	ditto	100	ditto 16 Mar. 1836	22 March 1836	ditto	"	-	ditto.
			Bartine Colett	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			John Cain, jun.	ditto	100	ditto 16 Oct. 1835	11 March 1836	ditto	"	-	ditto.
			John Van Allen	ditto	100	Cert. - 2 Aug. 1834	22 March 1836	ditto	"	-	ditto.
			Aaron Stodert	ditto	100	Filed - 16 Oct. 1835	16 March 1836	ditto	"	-	ditto.
			Peter Staats	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Richard Bulliss	ditto	100	ditto 22 Mar. 1836	22 March 1836	ditto	"	-	ditto.
			John Walker	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Frederick Onderdonk	ditto	100	Cert. - 6 Feb. 1834	ditto	ditto	"	-	ditto.
			Garret Marralis	ditto	100	ditto 2 Aug. 1834	ditto	ditto	"	-	ditto.
			James O'Brien	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Stephen Hunt	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Joseph Helmer	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Peter Marralis	ditto	100	ditto - ditto	ditto	ditto	"	-	ditto.
			Hiram Young	ditto	100	ditto 21 May 1820	28 March 1836	ditto	"	-	ditto.
			Gaspar Berkeley	ditto	100	ditto 8 Aug. 1834	22 March 1836	ditto	"	-	ditto.
			David Park	ditto	100	Filed - 8 Mar. 1836	8 March 1836	ditto	"	-	ditto.
			David L. Turner	ditto	100	ditto 28 Mar. 1836	28 March 1836	ditto	"	-	ditto.
			Conrad Frymire	ditto	100	-- Cert. adjutant-gen. militia, 2 Aug. 1834	11 May 1836	ditto	"	-	ditto.

(continued.)

Peter Holmes	-	-	-	100	Filed 9 March 1836	-	ditto	-	ditto	-	-	-	ditto.
Isaiah Griffin	-	-	-	100	ditto 11 March 1836	-	11 May 1836	-	ditto	-	-	-	ditto.
Jacob Carnes	-	-	-	100	ditto 16 March 1836	-	22 May 1836	-	ditto	-	-	-	ditto.
Randell Smith	-	-	-	200	-- Order in Council, 27 Nov. 1834	-	10 May 1836	-	ditto	-	-	-	ditto.
Alfred Cronkeit	-	-	-	200	- ditto 29 Sept. 1834	-	21 May 1836	-	ditto	-	-	-	ditto.
Lucius Lindsay	-	-	-	200	- ditto 27 Nov. 1834	-	6 May 1836	-	ditto	-	-	-	ditto.
Mark Jackson	-	-	-	200	- ditto 4 Dec. 1834	-	10 Mar. 1836	-	ditto	-	-	-	ditto.
Hannah McLean	-	-	-	200	- ditto 7 May 1834	-	21 Mar. 1836	-	ditto	-	-	-	ditto.
Margaret Werely	-	-	-	200	- ditto 28 Oct. 1835	-	22 Mar. 1836	-	ditto	-	-	-	ditto.
Devinah Tinkes	-	-	-	200	- ditto - ditto -	-	- ditto -	-	ditto	-	-	-	ditto.
Huldah Wood	-	-	-	200	- ditto 13 June 1818	-	11 Mar. 1836	-	ditto	-	-	-	ditto.
Parlinah Hawn	-	-	-	200	- ditto 28 Oct. 1835	-	22 Mar. 1836	-	ditto	-	-	-	ditto.
Ruth Brown	-	-	-	200	- ditto 3 Mar. 1836	-	28 Mar. 1836	-	ditto	-	-	-	ditto.
John Smyth -	-	-	-	200	-- Cert. com. crown lands - 7 June 1836.	-	-	-	ditto	-	50 -	-	ditto.
Peregrine Warren -	-	-	-	700	-- Order in Council, 18 July 1834	-	29 Feb. 1836	-	-- Reside in colony 2 years and set. duty	-	10 June -	-	ditto.
Aaron Caldwell	-	-	-	200	- ditto 27 Nov. 1834	-	6 April 1836	-	None	-	20 June -	-	ditto.
William Black	-	-	-	100	-- Cert. adj. gen. militia filed - 12 May 1836	-	12 May 1836	-	ditto	-	-	-	ditto.
Samuel Morey	-	-	-	100	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.
Calvin Throop	-	-	-	100	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.
William Vanorman	-	-	-	100	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.
David Gilman	-	-	-	200	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.
John B. Bertrand	-	-	-	200	-- Order in council, 5 Feb. 1835	-	12 Sept. 1835	-	ditto	-	29 July -	-	ditto.
Jesse Montgomery	-	-	-	200	- ditto 28 Feb. 1833	-	13 Mar. 1834	-	ditto	-	20 July -	-	ditto.
Arch. Montgomery	-	-	-	200	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.
Elizabeth Wright	-	-	-	200	- ditto 7 Mar. 1833	-	- ditto	-	ditto	-	-	-	ditto.
Margaret Haines	-	-	-	200	- ditto 28 Feb. 1833	-	- ditto	-	ditto	-	-	-	ditto.
Peter Moore	-	-	-	200	- ditto 28 Mar. 1833	-	- ditto	-	ditto	-	-	-	ditto.
Olive Daily -	-	-	-	200	- ditto 28 Feb. 1833	-	- ditto	-	ditto	-	-	-	ditto.
William Moore	-	-	-	200	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.
John Spencer	-	-	-	200	- ditto 17 Feb. 1816	-	- ditto	-	ditto	-	-	-	ditto.
Peter Hunter	-	-	-	200	- ditto 28 Feb. 1833	-	- ditto	-	ditto	-	-	-	ditto.
Margaret Sly	-	-	-	200	- ditto 23 July 1833	-	- ditto	-	ditto	-	-	-	ditto.
Jacob Stoneburner	-	-	-	200	- ditto 20 May 1817	-	14 Mar. 1834	-	ditto	-	-	-	ditto.
Elizabeth Dulmage	-	-	-	200	- ditto 25 Jan. 1834	-	- ditto	-	ditto	-	-	-	ditto.
Joseph Sellick	-	-	-	200	- ditto 28 Oct. 1833	-	- ditto	-	ditto	-	-	-	ditto.
Mary Hawkins	-	-	-	200	- ditto 16 Dec. 1832	-	13 Mar. 1834	-	ditto	-	-	-	ditto.
John Stoneburn	-	-	-	200	- ditto 26 Mar. 1817	-	14 Mar. 1834	-	ditto	-	-	-	ditto.
Elias Cook -	-	-	-	200	- ditto 28 Feb. 1833	-	13 Mar. 1834	-	ditto	-	-	-	ditto.
Mary Crowder	-	-	-	200	- ditto 19 Dec. 1833	-	- ditto	-	ditto	-	-	-	ditto.
Hannah Alguire	-	-	-	200	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.
Polly Primer	-	-	-	200	- ditto 28 Oct. 1833	-	- ditto	-	ditto	-	-	-	ditto.
Mary E. Dixon	-	-	-	200	- ditto 5 Nov. 1818	-	- ditto	-	ditto	-	-	-	ditto.
Conrad Sills -	-	-	-	200	- ditto 18 May 1833	-	11 April 1834	-	ditto	-	-	-	ditto.
Eliz. Casselman	-	-	-	200	- ditto 28 Feb. 1833	-	13 Mar. 1836	-	ditto	-	29 July -	-	ditto.
Abraham Cook	-	-	-	200	- ditto - ditto -	-	- ditto	-	ditto	-	-	-	ditto.

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Home— continued.	Simcoe— continued.	Oro	Robert Pudney	Discharged soldier	100	- - Order in council, 6 Sept. 1832	Sept. 1832	- - Reside on grant 3 years.	1836: 4 April	£.	Free.
			George Ferguson	- ditto -	100	- ditto 23 Sept. 1831	16 Sept. 1831	- ditto -	21 June -	-	ditto.
			Matthew Smith	- ditto -	100	- ditto 24 Oct. 1831	-	- ditto -	"	-	ditto.
			Joseph Ellimere	- ditto -	100	- ditto 5 July 1832	-	- ditto -	"	-	ditto.
			John Hardy	- ditto -	100	- ditto 16 Aug. 1831	Aug. 1831	- ditto -	24 June -	-	ditto.
			William Fraser	Discharged serjeant	200	- ditto 4 Aug. 1831	- ditto	- ditto -	27 June -	-	ditto.
			Thomas Fitzgibbon	- ditto -	200	- ditto 8 June 1832	June 1832	- ditto -	29 June -	-	ditto.
			William Kyle	Discharged soldier	100	- ditto - ditto -	11 June 1832	- ditto -	30 June -	-	ditto.
			Henry Robinson	- - Set. reg. 6 July, 1804.	200	- ditto 5 May 1819	3 June 1819	- - Settlement duty and fees.	17 June -	-	- - Patent fee and survey paid.
			George McLean	- - Settler, 5 Jan. 1819.	100	- ditto 28 Sept. 1820	29 Sept. 1820	- ditto -	26 June -	-	- ditto.
		Orillia	Helen McDougall	D. U. E. -	200	- ditto 2 July 1829	26 April 1833	None -	-	-	-
			Isabella Munro	- ditto -	200	- ditto 4 Sept. 1834	21 May 1836	- ditto -	7 April.	-	-
			Elizabeth McKay	- ditto -	200	- ditto 8 Dec. 1835	- ditto	- ditto -	15 April.	-	-
			Patrick Joice	Discharged soldier	100	- ditto 20 Oct. 1832	24 Oct. 1832	- - Reside on grant 3 years.	21 June.	-	-
		Sunnidale	James Rouse	- ditto -	100	- ditto 23 July 1832	-	- ditto -	"	-	-
			Hugh Cain	Discharged serjeant	200	- ditto 8 Aug. 1833	Aug. 1833	- ditto -	"	-	-
			Patrick O'Connor	Discharged soldier	100	- ditto 6 Sept. 1832	15 Sept. 1832	- ditto -	"	-	-
			Joseph Crow	Discharged artificer	200	- ditto 27 June 1833	29 June 1833	None -	"	-	-
		Tay	Sarah Stallmayer	D. U. E. -	200	- ditto 28 Feb. 1833	9 Nov. 1833	- ditto -	1 July.	-	-
			Jean B. Assekinack	Interpreter	200	- ditto 27 Oct. 1832	10 Nov. 1832	- - Reside on grant 3 years.	17 May.	-	-
		Tecumseth	David Bannister	Discharged soldier	100	- ditto 27 June 1833	June 1833	- ditto -	23 June.	-	-
			Robert Hughson	Militia -	195	- - Cert. adj. gen. militia, 8 May 1820	9 May 1820	None -	8 June.	-	-
			George Rorke	- - Set. reg. 1 Jan. 1820.	100	- ditto 26 July 1826	12 May	- - Settlement duty and fees.	9 April	-	- - First instal- ment and pa- tent fee paid.
			Richard Rorke	- - Set. reg. 31 Jan. 1824.	100	- ditto 29 Sept. 1824	13 Nov. 1833	- ditto -	"	-	- - Patent fee and survey paid.
			Donald Frazer	Discharged soldier	100	- ditto 7 Feb. 1833	8 Feb. 1833	- - Reside on grant 3 years.	23 May.	-	-
			Peter Silvester	- - Set. reg. 1 Jan. 1820.	50	- ditto 10 Dec. 1823	30 Jan. 1824	Settlement duty -	6 May.	-	-
			John Anderson	Discharged serjeant	100	- ditto 6 Sept. 1832	8 May 1834	- - Reside on grant 3 years.	14 June.	-	-
			George Rowe	Discharged soldier	100	- - Lt. governor's order, 26 Sept. 1831, and order in council, 7 Feb. 1833	3 Jan. 1833	- ditto -	11 April	-	Reside on grant.

Thorah	George Baycroft	-	-	100	-	-	Order in council, 1 July 1830	25 Feb. 1832	-	ditto	-	21 June.	-
	Richard Keating	-	-	100	-	-	ditto 10 Aug. 1832	1 Nov. 1832	-	ditto	-	"	-
	Benjamin Fralick	-	Militia	100	-	-	- Cert. adj.-gen. militia, 7 May 1831	17 May 1836	-	None	-	24 June.	-
	Davey McBurney	-	- Settler, regula- tion 1 Jan. 1820.	100	-	-	-	2 July 1823	-	- Settlement duty and fees,	-	10 June	- First instal- ment and patent fee paid.
Tiny	Patrick Brazil	-	-	100	-	-	ditto 6 Mar. 1822	13 April 1823	-	ditto	-	"	- ditto.
	Gilbert Coffey	-	- Settler, regula- tion 6 July 1804.	100	-	-	ditto 17 Nov. 1819	26 Feb. 1820	-	ditto	-	14 June	- ditto.
	Catherine McDonald	-	D. U. E.	200	-	-	ditto 8 June 1832	10 April 1833	-	None	-	20 July.	-
	Donald McDonald	-	Militia	100	-	-	- Cert. adj.-gen. militia 10 Oct. 1820	- Order in coun- cil, 5 Nov. 1828	-	ditto	-	8 June.	-
Tosorontio	David Donaldson	-	- Settler, regula- tion 6 July 1804.	100	-	-	-	17 Aug. 1826	-	- Settlement duty and fees,	-	9 April	- Patent fee and survey paid.
	Cuthbert Amiotte	-	Discharged artificer	200	-	-	ditto 28 Feb. 1835	16 Mar. 1835	-	None	-	15 June.	-
	Robert Clarke	-	Discharged serjeant	200	-	-	ditto 12 July 1831	22 Sept. 1831	-	ditto	-	21 June.	-
	William C. Bell	-	Artificer	200	-	-	ditto 11 April 1833	22 June 1835	-	ditto	-	22 June.	-
Vespra	Louis Geo. La Batte	-	Militia	100	-	-	ditto 13 May 1830	21 Mar. 1836	-	ditto	-	13 June.	-
	Jane Henderson	-	D. U. E.	200	-	-	ditto 14 Jan. 1812	21 May 1836	-	ditto	-	22 June.	-
	Henry Fleary	-	Serjeant, militia	200	-	-	ditto 26 Dec. 1834	11 April 1836	-	ditto	-	20 July.	-
	John Butter	-	Discharged serjeant	200	-	-	ditto 12 July 1830	25 Sept. 1830	-	- Reside on grant 3 years.	-	13 June.	-
	Stewart Thompson	-	- Settler, regula- tion 31 Jan. 1824.	200	-	-	ditto 26 Oct. 1825	5 Nov. 1825	-	- Settlement duty and fees,	-	10 June	- Patent fee paid.
	Bridget Malore (wi- dow).	-	Discharged soldier	100	-	-	ditto 23 Jan. 1832	17 July 1832	-	- Reside on grant 3 years.	-	6 April.	-
	Dennis Martin	-	-	100	-	-	ditto 26 Nov. 1831	11 Oct. 1832	-	ditto	-	8 April.	-
	John Stratten	-	-	100	-	-	ditto 6 Oct. 1831	18 Oct. 1831	-	ditto	-	"	-
	Thomas Berry	-	Discharged serjeant	200	-	-	ditto 27 May 1833	27 May 1833	-	ditto	-	28 April.	-
	Geo. Miller Clement	-	S. U. E.	200	-	-	ditto 14 May 1830	21 Feb. 1836	-	None	-	14 April.	-
	Bridget Glassy (wi- dow).	-	Discharged soldier	100	-	-	ditto 6 Sept. 1832	19 Feb. 1836	-	- Reside on grant 3 years.	-	30 May.	-
	Canada Company	-	-	200	-	-	ditto 4 Feb. 1836	-	-	-	-	5 May.	-
	Mary Coates (widow)	-	Discharged soldier	100	-	-	ditto 22 Aug. 1832	28 July 1832	-	- Reside on grant 3 years.	-	13 June.	-
	Patrick Dunn	-	-	100	-	-	ditto 23 July 1832	23 Mar. 1833	-	ditto	-	15 June.	-
	Michael Silk	-	-	100	-	-	ditto 26 Aug. 1834	16 Sept. 1834	-	ditto	-	"	-
	John Dunn	-	-	100	-	-	ditto 2 Aug. 1832	July 1832	-	ditto	-	"	-
	Edward Drury	-	-	100	-	-	ditto 1 Sept. 1831	1 Oct. 1831	-	ditto	-	"	-
	William Rolling	-	Discharged serjeant	200	-	-	ditto 6 Sept. 1832	13 Sept. 1832	-	ditto	-	"	-
	Archibald Robertson	-	-	200	-	-	ditto 3 Mar. 1831	Aug. 1833	-	ditto	-	20 June.	-
	William Daly	-	Discharged soldier	100	-	-	ditto 26 Aug. 1831	11 Mar. 1835	-	ditto	-	"	-
	George Seaton	-	-	100	-	-	ditto 11 July 1833	6 Sept. 1833	-	ditto	-	"	-
	Hugh Smith	-	-	100	-	-	ditto 2 Aug. 1833	3 Aug. 1833	-	ditto	-	"	-
	John Munro	-	-	100	-	-	ditto 16 Aug. 1831	July 1833	-	ditto	-	"	-
	Thomas Foster	-	-	100	-	-	ditto 12 Sept. 1833	Sep. 1833	-	ditto	-	"	-
	Patrick McGuire	-	-	100	-	-	ditto 27 June 1833	28 June 1833	-	ditto	-	"	-
	Robert McGowan	-	-	100	-	-	ditto 20 Oct. 1832	24 Dec. 1832	-	ditto	-	21 June.	-

(continued.)

Settler	Rank	Age	Profession	Year of Settlement	Year of Arrival	Year of Departure	Remarks
John Aurey	-	-	-	100	ditto	15 Sep. 1820	ditto
George Will	-	-	-	100	ditto	3 April 1820	ditto
Thomas Joyce	-	-	-	100	ditto	31 Aug. 1819	ditto
William Kilman	-	-	-	200	ditto	13 July 1819	ditto
James Armstrong	-	-	-	200	ditto	8 Feb. 1827	ditto
Thomas Thomson	-	-	-	100	ditto	13 June 1819	ditto
John Harrison	-	-	-	100	ditto	15 Oct. 1819	ditto
Allen Lane	-	-	-	100	ditto	10 Mar. 1819	ditto
Ezra Adams	-	-	-	200	ditto	1 Oct. 1823	ditto
John Meredith	-	-	-	100	ditto	1 May 1821	ditto
Isaac Fecter	-	-	-	100	ditto	11 Sep. 1819	ditto
Samuel Watkins	-	-	-	300	ditto	3 Sep. 1819	ditto
John Long	-	-	-	200	ditto	12 Sep. 1831	ditto
Canada Company	-	-	-	100	ditto	4 Feb. 1836	ditto
Elizabeth Durkee	-	-	-	200	ditto	6 Dec. 1832	ditto
Henry Putnam	-	-	-	200	ditto	9 May 1821	ditto
Jacob Putnam	-	-	-	200	ditto	18 Feb. 1824	ditto
David Ruttan	-	-	-	200	ditto	11 April 1833	ditto
James Leman	-	-	-	100	ditto	13 April 1821	ditto
William Culp	-	-	-	100	ditto	8 May 1821	ditto
Ebenezer C. Griffin	-	-	-	200	ditto	31 Mar. 1824	ditto
Canada Company	-	-	-	-	ditto	4 Feb. 1836	ditto
Peter Sipes	-	-	-	200	ditto	27 June 1833	ditto
George Curry	-	-	-	100	ditto	5 April 1832	ditto
Thomas Bull	-	-	-	150	ditto	14 Sep. 1825	ditto
Edward Bull	-	-	-	100	ditto	29 Sep. 1819	ditto
Peter Marsalis, jun.	-	-	-	200	ditto	14 Nov. 1821	ditto
John Bull	-	-	-	100	ditto	22 Sep. 1819	ditto
George Crowley	-	-	-	100	ditto	28 April 1832	ditto
Canada Company	-	-	-	100	ditto	4 Feb. 1836	ditto
Neil Thompson and others.	-	-	-	100	ditto	8 Dec. 1835	ditto

(continued.)

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RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Gore— continued.	Halton— continued.	Gore of Puslinch	Ogden Creighton	-- Captain, 81st regiment.	200	-- Order in council, 13 June 1831.	13 Nov. 1833	-- Residence in colony two years, and settlement duty.	1836: 17 June.	£. s. d.	
			William Fabian Mendall.	Discharged soldier	100	- ditto 12 June 1832	19 June 1832	-- Residence on grant three years.	15 July.		
		Trafalgar	Robert Pettit	-- Settler, regula- tions 6 July 1804.	100	- ditto 20 Mar. 1819	12 June 1819	-- Settlement duty and fees.	4 April -		-- Patent fee and survey paid.
			Hugh Mason	- ditto -	100	- ditto 28 July 1819	18 Aug. 1819	- ditto -	"		
			David Mason	Discharged soldier	100	- ditto 3 April 1819	12 June 1819	-- Residence on grant three years.	27 June.		
			Robert Walbrooke	-- Settler, regula- tions 1 Jan. 1820.	100	- ditto 6 Feb. 1822	25 Feb. 1822	-- Settlement duty and fees.	16 June -		- ditto.
			Adam Anderson	- ditto 6 July 1804	100	- ditto 20 Oct. 1819	3 Dec. 1819	- ditto -	24 June.		
			John Russell	- ditto 5 Jan. 1819	200	- ditto 18 Sept. 1819	23 Nov. 1819	- ditto -	"		
			David Cordingley	- ditto 6 July 1804	100	- ditto 21 April 1819	12 June 1819	- ditto -	25 June.		
		Wilmot	John Dempsey	- ditto -	100	- ditto 18 June 1817	15 April 1822	- ditto -	5 July.		
Wentworth			Salome Kropp	-	50	- ditto 8 Jan. 1835	-	- ditto -	6 June -		Half ditto.
			Fred. Musselman	-	50	- ditto - ditto -	-	- ditto -	"		
		Brantford	John Rocher	-	50	- ditto - ditto -	-	- ditto -	"		
			James Belyea	Crown land sale	16	-- Cert. com. crown lands, 31 March 1836	-	-	8 June -	8 5 -	
			Andrew Rose	Indian lease	200	-- Order in council, 23 Dec. 1835	-	-	18 April.		
			Thomas Gadd	- ditto -	112	- ditto - ditto -	-	-	"		
			William Shackleton	- ditto -	112	- ditto - ditto -	-	-	"		
			John C. Digby	Crown land sale	191½	-- Cert. com. crown lands, 5 May 1836	-	-	5 May -	235 - -	
			William Holme	- ditto -	458	- ditto 6 May 1836	-	-	6 May -	572 10 -	
			Abraham Cook	Indian lease	244	-- Order in council, 27 Dec. 1835	-	-	24 May.		
			Crincipa Phelps	- ditto -	58	- ditto 23 Dec. 1835	-	-	30 May.		
			George Deverell	Crown land sale	103	-- Cert. com. crown lands, June 1836	-	-	22 June -	103 - -	
			William J. Kerr	- ditto -	228	- ditto 23 June 1836	-	-	25 June -	228 - -	
			James Winniett	- ditto -	40	- ditto 27 June 1836	-	-	27 June -	50 - -	
			Daniel Secord	Indian lease	75	-- Order in council, 27 June 1836	-	-	28 June.		
			Thomas Perrin	- ditto -	151	- ditto - ditto -	-	-	"		
			Andrew Cook	- ditto -	102	- ditto 29 June 1836	-	-	"		
			Henry Gates	- ditto -	107	- ditto 27 June 1836	-	-	"		
			Andrew Eadie	- ditto -	97	- ditto - ditto -	-	-	"		
			Maria Ann and Luke V. Spurr.	- ditto -	83	- ditto 27 Dec. 1836	-	-	30 July.		

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RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description Issued.	Con- sideration Money.	Fees.
Niagara— continued.	Haldimand— continued.	Town of Cayuga	Stephen Faut	Crown land sale	$\frac{1}{4}$	-- Cert. com. crown lands, 10 June 1836	-	-	1836: 13 June -	£. s. 10 -	
	Lincoln	Grimsby	John Murray	-- Regulations prior to July 1796	200	-- Order in council, 9 May 1836	-	Payment of fees -	8 June.		
	Middlesex	Adelaide	George Porterfield	Discharged soldier	100	- ditto 10 Aug. 1832	24 Sept. 1832	-- Reside on grant three years.	6 April.		
			Henry Lockwood	S. U. E.	200	- ditto 8 Dec. 1832	19 Dec. 1832	None -	9 April.		
			David Lockwood	- ditto -	200	- ditto -	-	ditto -	"		
			Martha Miller	D. U. E.	200	- ditto -	-	ditto -	"		
			Esther Neill	- ditto -	200	- ditto 14 April 1825	4 Sept. 1833	ditto -	13 April.		
			George Iver	Discharged soldier	100	- ditto 4 Feb. 1836	-- By agent previous to July 1834	-- Reside on grant three years.	11 May.		
			John Radcliffe	Lieutenant, R.N.	400	- ditto 28 Oct. 1833	23 Oct. 1835	-- Reside in colony 2 years and set. duty.	"		
			Leslie McQueen	Discharged soldier	100	- ditto 2 Aug. 1822	1 Sept. 1832	-- Reside on grant three years.	"		
			Michael Griffith	- ditto -	100	- ditto 6 Sept. 1832	Sept. 1832	- ditto -	11 May.		
			Thos. M'Hutcheon	- ditto -	100	- ditto 2 Aug. 1832	2 Aug. 1832	- ditto -	31 May.		
			Hugh Fraser	Militia	56	-- Cert. adjutant-gen. militia, 19 Oct. 1821	22 April 1836	-	11 May.		
			Abijah Hawley	S. U. E.	200	-- Order in council, 11 July 1833	26 July 1833	None -	"		
			John Cully	Discharged soldier	100	- ditto 2 Aug. 1832	20 Aug. 1832	-- Reside on grant three years.	14 June.		
			William Bray	- ditto -	100	- ditto 10 Aug. 1832	30 Aug. 1832	- ditto -	"		
			Joseph Brady	- ditto -	100	- ditto 2 Aug. 1832	6 Aug. 1832	- ditto -	"		
			Robert Gripton	- ditto -	100	- ditto 23 Aug. 1831	30 Jan. 1833	- ditto -	"		
			Edward Burke	- ditto -	100	- ditto 3 Aug. 1832	2 Aug. 1832	- ditto -	"		
			John Bulger	- ditto -	100	- ditto 2 July 1832	23 July 1832	- ditto -	"		
			Matthew Mangin	- ditto -	100	- ditto 6 Sept. 1832	Sept. 1832	- ditto -	"		
			James Hart	- ditto -	100	- ditto 10 Aug. 1832	Aug. 1832	- ditto -	"		
			Arthur Ross	- ditto -	100	- ditto 11 Sept. 1832	11 Sept. 1832	- ditto -	"		
			John Arthurs	-- Discharged sergeant-major.	300	- ditto 26 Aug. 1834	Aug. 1834	- ditto -	"		
			Timothy Kenna	Discharged soldier	100	- ditto 23 July 1832	26 July 1832	- ditto -	"		
			Samuel Morrow	- ditto -	100	- ditto 2 Aug. 1832	3 Aug. 1832	- ditto -	"		
			Baptist McIlwain	- ditto -	100	- ditto 10 Aug. 1832	Aug. 1832	- ditto -	"		
			David M'Pherson	- Discharged qr.-master-serjeant.	300	- ditto 5 Sept. 1833	25 Aug. 1833	- ditto -	"		
			James Dillon	Discharged soldier	100	- ditto 6 Sept. 1832	17 Aug. 1832	- ditto -	"		
			John Keys	Discharged serjeant	200	- ditto 4 Nov. 1831	-	- ditto -	"		
			William Batterham	Discharged soldier	100	- ditto 18 July 1834	2 Aug. 1834	- ditto -	"		
			James Covers	- ditto -	100	- ditto 7 Aug. 1834	9 Aug. 1834	- ditto -	"		

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RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued.*

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money	Fees.
London— <i>continued.</i>	Middlesex— <i>continued.</i>	Carradoc	Malcolm Campbell	Crown land sale -	100	-- Cert. com. crown lands - 14 May 1836	-	-	1836; 1 June -	£. s. 62 -	-
			Stephen Raymond -	-- Settler, regula- tions 6 July 1804.	100	-- Order in council, 14 April 1836	-- Located by Col. Talbot.	-- Settlement duty and fees.	"	-	-- Patent fee and survey paid.
		S. Dorchester	Canada Company -	-	200	-- ditto 4 Feb. 1836	-	-	5 May.	-	-- Fees paid in 1808.
			William Thompson	-	640	-- Claim allowed under com. July 1827	-	-	24 June -	-	Patent fee paid.
		Ekfred -	Malcolm Campbell	-- Settler, regula- tions prior to July 1706.	100	-- Order in council, 30 Aug. 1820	2 Sept. 1820	fees -	3 May -	-	-
		Lobo -	Malcolm McIntyre	-- Settler, regula- tions 6 July 1804.	100	- ditto 14 April 1836	By Col. Talbot.	-- Settlement duty and fees.	17 June -	-	-- Patent fee and survey paid.
			Joseph Payelte -	Discharged soldier.	100	-- ditto 20 Oct. 1819	23 Sept. 1820	-- Reside on grant three years.	10 June.	-	-
		London -	Albert Burdan	Militia -	100	-- Cert. adjutant-gen. militia, 28 July 1820	- ditto -	None -	21 June.	-	-
			Charles Carmichael	-- Settler, regula- tions 1 Jan. 1820.	100	-- Order in council, 20 Sept. 1820	29 April 1822	-- Settlement duty and fees.	14 June -	-	ditto.
		London -	John Harris -	-- Treasurer of London district.	100	- ditto 2 Dec. 1830	- - 1835	-	4 April.	-	-
			Hugh Stevenson	-- Settler, regula- tions 6 July 1804.	100	- ditto 31 Mar. 1836	By Col. Talbot.	-- Settlement duty and fees.	15 April	-	ditto.
			John Turner -	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"	-	ditto.
			George Mitchell	- ditto -	100	- ditto 6 April 1836	- ditto -	- ditto -	6 May -	-	ditto.
			John Fitzgerald	- ditto -	100	- ditto 17 Mar. 1836	- ditto -	- ditto -	24 May -	-	ditto.
			Silas Warner	-- Settler, regula- tions 1 Jan. 1820.	50	- ditto 14 April 1836	- ditto -	Settlement duty	10 June.	-	-
			Nelson Hartwick	ditto 6 July 1804	100	- ditto 31 Mar. 1836	- ditto -	-- Settlement duty and fees.	"	-	ditto.
			James Mitchell	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"	-	ditto.
			James Dagg -	- ditto -	100	- ditto 23 May 1836	- ditto -	- ditto -	"	-	ditto.
			Thomas Carling	- ditto -	200	- ditto 13 June 1836	- ditto -	- ditto -	15 June -	-	ditto.
			Thos. Routledge, sen.	- ditto -	200	- ditto - ditto -	- ditto -	- ditto -	"	-	ditto.
			Joseph Miller	- ditto -	100	- ditto 4 Feb. 1836.	- ditto -	- ditto -	20 June -	-	ditto.
			William Lumby	- ditto -	100	- ditto 9 June 1836	- ditto -	- ditto -	25 June -	-	ditto.
			James M'Mahon	- ditto -	200	- ditto 7 July 1836	- ditto -	- ditto -	8 July -	-	ditto.
			William M'Mahon	- ditto -	100	- ditto - ditto -	- ditto -	- ditto -	"	-	ditto.
		Malahide	George Kennedy	- ditto -	100	- ditto 15 May 1836	- ditto -	- ditto -	"	-	ditto.
			John Rowe -	- ditto -	100	- ditto 31 Mar. 1836	- ditto -	- ditto -	15 April -	-	ditto.
			John Adams -	- ditto -	100	- ditto 6 April 1836	- ditto -	- ditto -	2 June -	-	ditto.
			James Martin	- ditto -	200	- ditto 14 April 1836	- ditto -	- ditto -	16 June -	-	ditto.
		Mosa -	Canada Company -	-	100	- ditto 4 Feb. 1836	- ditto -	- ditto -	5 May.	-	-
			Caleb Wilcox	- ditto -	100	- ditto 17 Mar. 1836	- ditto -	- ditto -	8 April -	-	ditto.

(continued.)

Western	Essex	Huron	Colborne	Abraham Sudworth	-	-	-	1	-	ditto 12 May 1836	-	-	-	-	-	-	-	-	-	28 May.
				William Clarke	-	-	-	1	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				Nathaniel Hill	-	-	-	1	-	ditto - ditto	-	-	-	-	-	-	-	-	-	27 May.
				Canada Company	-	-	-	11,482	-	Order in council, 4 Feb. 1836	-	-	-	-	-	-	-	-	-	5 May.
				ditto	-	-	-	9,594	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	19,963	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	29,708	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	7,000	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	6,000	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	11,406	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	6,000	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	27,442	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	7,000	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	6,634	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	7,000	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	33,158	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	5,486	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				ditto	-	-	-	16,890	-	ditto - ditto	-	-	-	-	-	-	-	-	-	"
				Alexis Petier	-	Militia	-	100	-	Cert. adjutant-gen. militia, 6 April 1821	-	6 May 1829	-	None	-	-	-	-	-	6 April.
				Francis Aulin	-	ditto	-	200	-	ditto 30 Jan. 1821	-	19 Nov. 1833	-	ditto	-	-	-	-	-	8 April.
				Thomas Rowland	-	ditto	-	100	-	ditto 8 May 1821	-	9 May 1834	-	ditto	-	-	-	-	-	"
				Joseph Monger	-	S. U. E.	-	200	-	Order in council, 29 Sept. 1824	-	15 Aug. 1834	-	ditto	-	-	-	-	-	4 May.
				Nathaniel Caverley	-	Discharged artificer	-	200	-	ditto 16 June 1834	-	11 July 1834	-	ditto	-	-	-	-	-	31 May.
				William Baker	-	ditto	-	200	-	ditto 21 May 1834	-	12 July 1834	-	ditto	-	-	-	-	-	"
				Isaac Hough	-	ditto	-	200	-	ditto - ditto	-	11 Feb. 1834	-	ditto	-	-	-	-	-	"
				William Lightall	-	ditto	-	200	-	ditto 30 June 1834	-	12 Feb. 1834	-	ditto	-	-	-	-	-	"
				John B. Canadien	-	Militia	-	100	-	Cert. adjutant-gen. militia - 8 May 1821	-	19 Feb. 1833	-	ditto	-	-	-	-	-	10 May.
				John Hess	-	ditto	-	100	-	ditto 21 Oct. 1823	-	31 May 1834	-	-	-	-	-	-	-	31 May.
				Margaret Rousseau	-	D. U. E.	-	200	-	ditto 8 May 1833	-	4 Feb. 1836	-	-	-	-	-	-	-	"
				Catherine Bilow	-	ditto	-	200	-	ditto 23 Dec. 1835	-	27 Feb. 1836	-	-	-	-	-	-	-	"
				Robert Jeunison	-	Discharged soldier	-	100	-	ditto 19 Jan. 1833	-	28 Jan. 1836	-	-	-	-	-	-	-	15 June.
				Thomas Ryan	-	ditto	-	100	-	ditto - ditto	-	-	-	-	-	-	-	-	-	17 June.
				William McLaughlin	-	Militia	-	100	-	Cert. adjutant-gen. militia - Dec. 1833	-	24 Jan. 1834	-	None	-	-	-	-	-	20 June.
				James Moor	-	ditto	-	100	-	ditto 16 May 1836	-	16 May 1836	-	ditto	-	-	-	-	-	29 June.
				John Jackson	-	ditto	-	100	-	ditto - ditto	-	-	-	ditto	-	-	-	-	-	"
				Joseph B. Robinson	-	ditto	-	100	-	ditto - ditto	-	-	-	ditto	-	-	-	-	-	"
				Thomas Brown	-	ditto	-	100	-	ditto - ditto	-	-	-	ditto	-	-	-	-	-	"
				Obadiah Read	-	ditto	-	100	-	ditto - ditto	-	-	-	ditto	-	-	-	-	-	"
				John Hamblin	-	ditto	-	100	-	ditto - ditto	-	-	-	ditto	-	-	-	-	-	"
				John Allan	-	ditto	-	100	-	Cert. - 2 Jan. 1833	-	31 Mar. 1836	-	-	-	-	-	-	-	"
				Catherine McLeod	-	D. U. E.	-	200	-	Order in council, 21 Mar. 1821	-	24 June 1834	-	-	-	-	-	-	-	20 June.

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—*continued.*

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Western— <i>continued.</i>	Essex— <i>continued.</i>	Colchester— <i>continued.</i> Gosfield	Henry Campbell	S. U. E.	200	-- Order in council, 24 Nov. 1832	4 May 1836	-	1836; 20 June.	£. s. d.	
			Alexander Rose	Militia	500	-- Cert. adjutant-gen. militia, 28 Feb. 1821	18 Dec. 1832	-	4 April.		
			Edward Butler	- ditto	100	- ditto - ditto -	15 April 1833	-	"		
			Jonathan Wickware	- ditto	100	- ditto 1 Mar. 1821	29 Nov. 1832	-	"		
			John H. Shaver	- ditto	100	- ditto 25 May 1820	-	-	"		
			James Wickwire	S. U. E.	200	-- Order in council, 20 May 1817	-	-	"		
			John McCormick	Militia	500	-- Cert. adjutant-gen. militia - 3 Mar. 1836	26 Mar. 1836	-	10 May.		
			Timothy Sweet	S. U. E.	200	-- Order in council, 17 Mar. 1836	28 Mar. 1836	-	"		
			Mercy Mann	- ditto	200	- ditto - ditto -	- ditto	-	"		
			Lucinda Robinson	- ditto	200	- ditto - ditto -	- ditto	-	"		
			Charlotte Sweet	- ditto	200	- ditto - ditto -	- ditto	-	"		
			Thomas Collins	- ditto	200	- ditto 19 Dec. 1833	8 Mar. 1836	-	"		
			Peter Schram	- ditto	200	- ditto 9 Feb. 1817	30 Mar. 1836	-	"		
			Jacob Mann	- ditto	200	- ditto 28 Feb. 1835	3 Mar. 1835	-	29 July.		
Kent		Maidstone	Frederick Telker	Militia	-	-- Cert. adj.-gen. militia, filed 20 July 1835	13 Feb. 1836	-	9 April	-	-- Patent fee and survey paid.
		Malden	Pierre Larose	- ditto	-	-- Cert. adjutant-gen. militia - Sept. 1820	24 Jan. 1832	-	11 April.		
		Mersea	Hannah Clarke	D. U. E.	-	-- Order in council, 4 Feb. 1830	4 Jan. 1832	-	20 July.		
			Samuel White	-- Settler, reg. 6 July 1804.	-	- ditto 4 Feb. 1836	By Col. Talbot	- Settlement duty and fees.	9 April.		
			David White	- ditto	-	- ditto - ditto -	- ditto	- ditto	"		
			Frederick Levi	- ditto	-	- ditto 9 May 1836	- ditto	- ditto	21 May.		
		Sandwich	Joseph M'Dougall	Crown land sale	water lot.	-- Fiat, adjutant-gen. 6 July 1835	-	-	15 April	10 - -	
			Abraham Unsworth	-- Discharged ser- jeant.	200	-- Order in council, 21 July 1831	15 June 1833	-- Reside on grant three years.	8 April.		
			Theodore Pratt	Militia	53	-- Cert. adjutant-gen. militia - 6 April 1831	25 Feb. 1835	None	"		
			Luc Montreuil	- ditto	50	- ditto - ditto -	- ditto	- ditto	"		
			Francis Pratt	- ditto	48	- ditto 17 Feb. 1836	- ditto	- ditto	"		
			Joseph La Farrier	- ditto	200	- ditto 25 July 1834	28 Mar. 1836	- ditto	"		
			Thomas Duchesne	- ditto	58	- ditto 6 April 1821	23 Feb. 1834	- ditto	"		
			Bernard Souillier	- ditto	100	- ditto - ditto -	13 Mar. 1835	- ditto	"		
			Joseph Cadet	- ditto	100	- ditto - ditto -	14 June 1834	- ditto	10 May.		

(continued.)

	S. U. E.		135		17 Jan. 1835	ditto -	8 April.	
Matthias Woodley -	-	- - Order in council, 10 Oct. 1834	135	-	-	ditto -	-	-
Francis Baby -	(Water lot)	- ditto 25 Feb. 1836	18	-	-	Not to obstruct road	14 April -	Fees paid.
Margaret Collins -	D. U. E. -	- ditto 28 Feb. 1830	200	-	18 Mar. 1835	None -	15 April -	-
Richard Goodbody -	- Settler, regn.	- ditto 24 Nov. 1831	200	-	19 Mar. 1835	- Settlement duty and fees.	18 April -	- Patent fee and survey paid.
	31 Jan. 1824							
Canada Company -	-	- ditto 4 Feb. 1819	100	-	-	-	5 May.	-
- - Pierre Janette dit Torneau.	Crown land sale -	- - Cert. com. crown land - Feb 1836	100	-	-	-	20 April -	50 -
William McDougald -	- Settler, regn.	- - Order in council, 26 Mar. 1836	100	-	- Location, Col. Talbot.	- Settlement duty and fees.	10 May -	- ditto.
Nicholas Brouse -	S. U. E. -	- ditto 27 June 1833	200	-	6 Feb. 1836	None -	11 May.	-
Joseph Petingell -	- ditto -	- ditto 5 Jan. 1835	200	-	18 Mar. 1836	ditto -	"	-
Nicholas Mosher -	Militia -	- - Cert. adjutant-gen. mil., filed 10 June 1835	100	-	13 Feb. 1836	ditto -	24 June.	-
		- Special order in council, 2 June 1836	-	-	(An old date)	- Settlement duty and fees.	20 June -	- ditto.
Madlaine Askin -	- Settler, regn.	- - Order in council, 28 Sept. 1820	1	-	19 June 1821	ditto -	11 April -	- ditto.
Francis C'heureux -	- ditto -	- - Cert. com. crown land - 7 May 1836	4	-	-	-	23 May.	-
James Beatty -	Crown land sale -	- ditto 22 June 1836	1	-	-	-	23 June -	41 4 6
Charles Askin -	- ditto -	- - Order in council, 4 Feb. 1836	-	-	-	-	5 May.	-
Canada Company -	-	- - Cert. adjutant-gen. militia, 8 May 1821	100	-	26 June 1834	None -	14 April.	-
Joseph Mills -	Militia -	- - Order in council, 5 Feb. 1831	200	-	24 June 1834	ditto -	9 April.	-
Dorothy Shaw -	D. U. E. -	- ditto 2 May 1832	346	-	7 Feb. 1835	- Residence in colony two years, and settlement duty.	31 May.	-
David Calder -	- Lieutenant, 59th regiment.							
Sophia Ross -	D. U. E. -	- ditto 28 Mar. 1833	200	-	12 April 1834	None -	"	-
Elizabeth Miller -	- ditto -	- ditto 11 July 1833	200	-	11 April 1834	ditto -	10 June.	-
James Boyce -	- ditto -	- ditto 18 May 1833	200	-	- ditto -	ditto -	"	-
Abraham Waggoner -	Militia -	- - Cert. adjutant-gen. militia, April 1821	100	-	9 May 1836	ditto -	29 July.	-
Peter B. Kilby -	- ditto -	- ditto 27 April 1821	100	-	2 April 1836	ditto -	"	-
David Carpenter -	S. U. E. -	- - Order in council, 20 Dec. 1832	200	-	7 June 1836	ditto -	"	-
Ephraim Gordon -	- ditto -	- ditto 11 Feb. 1834	-	-	24 Feb. 1834	ditto -	15 April.	-
Michael Gordon -	- ditto -	- ditto - ditto -	200	-	- ditto -	ditto -	"	-
Baptiste Sonillier -	Militia -	- - Cert. adjutant-gen. militia, 8 May 1821	100	-	5 Aug. 1826	ditto -	4 April.	-
Leonard Ross -	- ditto -	- ditto 7 May 1836	100	-	-	ditto -	"	-
Neil McArthur -	- ditto -	- ditto 8 May 1836	100	-	-	ditto -	"	-
Gordon Buchanan -	- ditto -	- ditto 19 April 1836	100	-	5 Aug. 1826	ditto -	11 April.	-
Constantine Beauport -	- ditto -	- ditto 24 April 1836	100	-	28 April 1834	ditto -	15 April.	-
Catherine Servos -	D. U. E. -	- - Order in council, 27 June 1833	200	-	- ditto -	ditto -	8 April.	-

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Western— continued.	Kent— continued.	Chatham— continued.	Catherine O'Brien—	D. U. E. -	200	- - Order in council, 27 June 1833	28 April 1834	None -	1836: 8 April.	£. s.	
			John Peack -	- ditto -	200	- ditto 24 Mar. 1831	24 Mar. 1831	ditto -	9 April.		
			James Peck, jun -	- ditto -	200	- ditto 6 Oct. 1831	12 Nov. 1831	ditto -	" 10 May.		
			Frederick A. Logan -	- ditto -	200	- ditto 22 Feb. 1834	3 Mar. 1834	ditto -	" "		
			Lorraine Card -	- ditto -	200	- ditto 24 July 1820	- ditto -	ditto -	" "		
			Susannah Harman -	- ditto -	200	- ditto 25 Jan. 1834	- ditto -	ditto -	" "		
			Alexander Grant, jun.	- ditto -	200	- ditto 10 Dec. 1823	- ditto -	ditto -	" "		
			James Givins, jun. -	- Regulation, 22 Dec. 1797	600	- ditto 11 Aug. 1818	- 1836	Fees -	7 June -	-	- Patent fee and survey paid.
			Thomas Fisher -	- Settler, regln. 6 Jan. 1820	100	- ditto 17 May 1830	4 April 1829	- Settlement duty and fees.	1 June.		
			Josiah Baldwin -	Militia -	100	- Cert. adjt. gen. mil., filed - 11 April 1836	11 April 1836	None -	20 July.		
			Rachel Roseburgh -	- ditto -	200	- Order in council, 18 July 1833	19 Feb. 1834	ditto -	29 July.		
		Dawn -	Pierre Badichan -	- ditto -	100	- Cert. adjutant-gen. militia, 8 May 1821	21 Aug. 1821	ditto -	9 April.		
			Jesse Orser -	S. U. E. -	200	- Order in council, 6 Mar. 1822	24 Nov. 1831	ditto -	" "		
			Abraham Meredith -	- ditto -	200	- ditto 27 June 1833	19 Mar. 1829	ditto -	15 April.		
			John Hansinger -	Militia -	100	- Cert. adjt.-gen. mil. filed - 26 Mar. 1826	26 Mar. 1829	ditto -	10 May.		
			Martha Shaver -	D. U. E. -	200	- Order in council, 17 Mar. 1836	31 Mar. 1829	ditto -	" "		
			Laney Kennedy -	- ditto -	200	- ditto 9 Mar. 1836	29 Mar. 1829	ditto -	" "		
			Sarah Rayner -	- ditto -	200	- ditto 27 June 1833	- ditto -	ditto -	" "		
			Catharine Clendennan -	- ditto -	200	- ditto 17 Mar. 1836	31 Mar. 1829	ditto -	" "		
			Abraham Price -	- ditto -	200	- ditto - ditto -	- ditto -	ditto -	" "		
			William Green -	Militia -	100	- Cert. adjutant-gen. militia, Feb. 1832	2 Mar. 1832	ditto -	14 June.		
			Benjamin Lewis -	S. U. E. -	200	- Order in council, 2 Sept. 1830	14 Jan. 1831	ditto -	7 June.		
			John Bell -	- ditto -	200	- ditto 14 Sept. 1825	13 Mar. 1836	ditto -	13 June.		
			Henry Quant -	- ditto -	200	- ditto 5 Mar. 1823	- ditto -	ditto -	" "		
			William Green -	- ditto -	200	- ditto 1 May 1832	2 Mar. 1832	ditto -	14 June.		
			Jephthah Bradshaw -	- ditto -	200	- ditto 4 Nov. 1818	4 May 1836	ditto -	28 June.		
			Lewis Lambert -	- ditto -	200	- ditto 4 May 1836	14 May 1836	ditto -	19 June.		
			Jacob Dolsen -	- ditto -	200	- ditto 20 Feb. 1810	21 Aug. 1821	ditto -	" "		
			Abraham K. Hartley -	Discharged artificer	200	- ditto 27 Nov. 1834	13 April 1835	ditto -	8 April -		Free, ditto, ditto.
		Dover -	Jacob Hawin -	- ditto -	200	- ditto 8 Jan. 1835	- ditto -	ditto -	" "		
			Michael Dowan -	- ditto -	200	- ditto - ditto -	- ditto -	ditto -	" "		

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(continued.)

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada--continued.

District.	County.	Township.	Grantee.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Western— continued.	Kent— continued.	Enniskillen— continued.	Donald Gillis	S. U. E.	200	-- Order in council, 7 Feb. 1833	26 May 1836	None	1836: 10 June -	£. s.	Free.
			Louis Fraxler	Discharged artificer	-	- ditto 26 Dec. 1834	6 April 1836	ditto	8 July -	-	ditto.
			Martin Moody	- ditto -	200	- ditto 2 Oct. 1834	- ditto -	ditto	" -	-	ditto.
			Henry Davis	Militia	100	-- Cert. adjutant-gen. militia, - April 1820	12 Aug. 1835	ditto	20 July -	-	ditto.
			Daniel Fuller	- ditto -	100	- ditto 24 June 1834	24 June 1834	ditto	28 July -	-	ditto.
			Mary Dunn -	D. U. E.	200	-- Order in council, 24 Oct. 1835	8 Sept. 1836	ditto	29 July -	-	ditto.
			Ebenezer Perry	- ditto -	200	- ditto 3 Dec. 1835	19 May 1836	ditto	" -	-	ditto.
			Chas. Chamberlain	S. U. E.	200	- ditto 10 Dec. 1832	13 April 1836	ditto	" -	-	ditto.
			Wm. A. Rombord -	- ditto -	200	- ditto - ditto -	- ditto -	ditto	" -	-	ditto.
			Rial Secord -	- ditto -	200	- ditto 2 May 1836	19 May 1836	ditto	" -	-	ditto.
			Andrew Boyd	Militia	100	-- Cert. adjutant-gen. militia, 15 Sept. 1820	25 April 1834	ditto	8 April -	-	ditto.
		Harwich	Samuel Spurgin	S. U. E.	200	-- Order in council, 19 Feb. 1817	- -	ditto	" -	-	ditto.
		Howard -	Canada Company	- ditto -	478	- ditto 4 Feb. 1836	- -	ditto	5 May -	-	ditto.
			Israel Smith -	Militia	200	-- Cert. adjutant-gen. militia, 19 May 1820	-- Located by Colonel Talbot. 4 Dec. 1824	-- Settlement duty performed.	9 April -	-	ditto.
		Moore -	Catherine Scarlett -	D. U. E.	200	-- Order in council, 18 Feb. 1824	- -	None	" -	-	ditto.
			Martin Waldriff -	Militia	100	-- Cert. adjutant-gen. militia, 8 May 1821	-- Located by Colonel Talbot.	ditto	" -	-	-- Settlement duty performed.
			James Cornwall	- ditto -	100	- ditto 23 Feb. 1821	- ditto -	ditto	" -	-	ditto.
			Stephen Backus	- ditto -	100	Filed - 4 Mar. 1836	- ditto -	ditto	16 June -	-	ditto.
			Samuel Brundage	-- Settler, regulations 6 July 1834.	200	- Order in council, 19 May 1836	- ditto -	-- Settlement duty and fees.	14 June -	-	-- Patent fee and survey paid.
			Wm. West Wood	- ditto -	200	- ditto 31 Mar. 1836	- ditto -	ditto	16 June -	-	ditto.
			Edmund Milton	- ditto -	200	- ditto 16 June 1836	- ditto -	ditto	17 June -	-	ditto.
			Canada Company -	- ditto -	100	- ditto 4 Feb. 1836	- -	ditto	5 May -	-	Free.
			Gideon Bostwick -	Militia	100	-- Cert. adjutant-gen. militia, - 7 May 1821	14 March 1834	None	8 April -	-	ditto.
			John F. Elliott	-- 2d sett. R. M.	150	-- Order in council, 31 July 1834	4 Aug. 1834	-- Reside in colony 2 years, performed settlement duty.	" -	-	ditto.
			Claude Cartier	Discharged serjeant	200	- ditto 5 Sept. 1833	28 Sept. 1833	-- Reside on grant 3 years.	14 April -	-	ditto.
			George Rousseau	-- Lieutenant, Indian department.	500	- ditto 3 April 1834	13 Jan. 1835	-- Reside in colony 2 years, performed settlement duty.	15 April -	-	ditto.
			George Norton	Militia	100	-- Cert. adjutant-gen. militia, 19 June 1820	14 March 1834	-	11 April -	-	ditto.
			Joseph House	- ditto -	200	- ditto 31 Aug. 1820	- ditto -	-	" -	-	ditto.

(continued.)

John Odell -	- ditto -	100	- ditto 19 June 1820	- ditto	20 July 1833	-	-	-	-	ditto.
Samuel McKenny -	- ditto -	200	- ditto 1 July 1820	-	1 April 1835	-	-	-	-	ditto.
William Grant -	- S. U. E. -	200	- - Order in Council, 5 Feb. 1835.	-	-	-	-	-	-	ditto.
Francis Moore -	- ditto -	200	- ditto 2 Feb. 1832	-	18 July 1833	-	-	-	-	ditto.
George Eaman -	- ditto -	200	- ditto 9 July 1817	-	3 Sept. 1833	-	-	-	-	ditto.
Margaret Calvert -	- D. U. E. -	200	- ditto 4 July 1833	-	30 July 1833	-	-	-	-	ditto.
Margaret Raymond -	- ditto -	200	- ditto 2 June 1819	-	2 Mar. 1835	-	-	-	-	ditto.
Lydia Randolph -	- ditto -	200	- ditto 12 Nov. 1827	-	9 Oct. 1834	-	-	-	-	ditto.
Joseph Young -	- S. U. E. -	200	- ditto 9 Aug. 1820	-	14 Mar. 1834	-	-	-	-	ditto.
Lavinia Sage -	- D. U. E. -	200	- ditto 13 Sept. 1832	-	10 April 1835	-	-	-	-	ditto.
John Diamond, jun. -	- S. U. E. -	200	- ditto 6 Oct. 1831	-	2 Sept. 1833	-	-	-	-	ditto.
James Sipes -	- ditto -	200	- ditto 19 Aug. 1833	-	22 May 1834	-	-	-	-	ditto.
Joe! Wilson -	- ditto -	200	- ditto 3 April 1834	-	23 April 1834	-	-	-	-	ditto.
James McNeill -	- ditto -	200	- ditto 6 Dec. 1832	-	18 July 1833	-	-	-	-	ditto.
Timothy Simmons -	- ditto -	200	- ditto 3 April 1834	-	20 Dec. 1834	-	-	-	-	ditto.
John Kerling, jun. -	- ditto -	200	- ditto 5 Sept. 1833	-	6 Sept. 1833	-	-	-	-	ditto.
Jacques Borque -	- Crown land sale -	100	- - Cert. com. crown lands, - 5 Feb. 1836	-	-	-	-	-	-	ditto.
James Moss -	- Discharged seaman -	100	- - Order in council, 31 Mar. 1834	-	16 Mar. 1836	-	-	-	-	25
Gustavus Arwison -	- Militia -	800	- - Cert. adjutant-gen. militia, 30 Jan. 1831	-	10 July 1833	-	-	-	-	31 May.
Ebenezer Reynolds -	- ditto -	1,000	- ditto 16 April 1821	-	29 July 1833	-	-	-	-	3 May.
David Mitchell -	- D. U. E. -	200	- ditto 4 April 1833	-	20 June 1833	-	-	-	-	1 May.
Magdalen Elmsworth -	- ditto -	200	- ditto - ditto -	-	- ditto -	-	-	-	-	"
William Haffman -	- S. U. E. -	200	- ditto - ditto -	-	- ditto -	-	-	-	-	"
Thomas Daly -	- ditto -	200	- ditto 1 Aug. 1833	-	21 Sept. 1833	-	-	-	-	31 May.
John Babcock -	- ditto -	200	- ditto 3 April 1834	-	15 April 1834	-	-	-	-	"
David Eligh -	- ditto -	200	- ditto 6 Nov. 1834	-	29 Nov. 1834	-	-	-	-	"
Christ. Harris, jun. -	- ditto -	200	- ditto 5 Sept. 1833	-	18 Sept. 1833	-	-	-	-	"
Adolphus Givins -	- ditto -	600	- ditto 10 Aug. 1818	-	-	-	-	-	-	"
John Simmerman -	- ditto -	200	- ditto 8 Aug. 1821	-	24 Sept. 1833	-	-	-	-	"
Mary Henry -	- D. U. E. -	200	- ditto 27 Feb. 1833	-	8 Sept. 1833	-	-	-	-	"
Margaret Weaver -	- ditto -	200	- ditto 27 June 1833	-	9 Sept. 1833	-	-	-	-	"
William Simmerman -	- S. U. E. -	200	- ditto 11 April 1833	-	17 June 1834	-	-	-	-	"
Margaret Simmerman -	- D. U. E. -	200	- ditto 4 April 1833	-	24 Sept. 1833	-	-	-	-	"
Jeremiah Simmerman -	- S. U. E. -	200	- ditto 7 Feb. 1833	-	- ditto -	-	-	-	-	"
Daniel Mc'Donnell -	- ditto -	200	- ditto 10 Dec. 1833	-	16 June 1833	-	-	-	-	"
Charity Triller -	- D. U. E. -	200	- ditto 7 Feb. 1833	-	24 Sept. 1833	-	-	-	-	"
Reuben Mosher -	- S. U. E. -	200	- ditto 7 Oct. 1830	-	6 June 1834	-	-	-	-	"
Lewis Papineau -	- Crown lands sale -	100	- - Cert. com. crown lands, 29 June 1836	-	-	-	-	-	-	25
Donald Mc'Donald -	- Discharged soldier -	100	- - Order in Council, 2 May 1833	-	24 July 1833	-	-	-	-	29 July.
Freeman Duffy -	- Militia -	100	- - Cert. adjutant-gen. militia, 21 Sept. 1820	-	29 May 1834	-	-	-	-	"

Patent fee paid.

RETURN of Descriptions for Patents for Grants of Land issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Western— continued.	Kent— continued.	Moore—cont'd	Christopher Lennox	Militia	200	-- Cert. adjutant-gen. militia, 26 June 1834	28 June 1834	None	1836 : 29 July,	£. s.	
			Margaret Cameron	D. U. E.	200	-- Order in council, 6 Sept. 1832	5 Nov. 1833	ditto	"		
			John Sipes	ditto	200	- ditto 12 June 1834	16 July 1834	ditto	"		
		Oxford	Samuel Smith	-- Settler, regula- tion 6 July 1804	200	- ditto 2 May 1835	-- Located by Col. Talbot.	-- Settlement duty and fees.	16 June -	-	-- Patent fee and survey paid.
			Eliakim Newcomb	ditto	200	- ditto 30 June 1836	- ditto -	None	20 July. 8 April.		
			Elijah McKenny	Militia	200	-- Cert. adjutant-gen. militia, 7 May 1821	19 Dec. 1832	ditto	"		
		Plympton	Joseph Holmes	ditto	100	- ditto 11 Sept. 1832	29 Aug. 1833	ditto	9 April.		
			David Boice	ditto	100	- ditto 17 July 1833	- ditto -	ditto	"		
			Lawrence Eman	S. U. E.	200	-- Order in council, 28 Oct. 1835	20 Feb. 1836	ditto	9 April.		
			Samuel S. McKenny	ditto	200	- ditto 23 Nov. 1816	30 Mar. 1835	ditto	8 April.		
			Sarah Feere	D. U. E.	200	- ditto 19 Aug. 1833	22 May 1834	ditto	9 April.		
			Eleanor Mordon	ditto	200	- ditto 28 Oct. 1833	2 Nov. 1833	ditto	"		
			Daniel Mordon	S. U. E.	200	- ditto 27 June 1833	9 Nov. 1833	ditto	1 April.		
			Jacob Miller	ditto	200	-- Order in council, 10 Oct. 1834	11 Oct. 1834	-- Settlement duty and fees.	"	-	Free.
			Timothy Ressoqui	-- Non-com. officer Queen's rangers.	500	- ditto 22 June 1825	8 July 1833	-- Resident on grant three years.	29 April -	-	ditto.
			Peter Haynes	Militia	100	-- Cert. adjutant-gen. militia, 5 Jan. 1833	8 June 1833	None	11 May -	-	ditto.
			Solomon Soper	ditto	100	- ditto 12 Feb. 1836	12 Feb. 1836	ditto	10 May -	-	ditto.
			John McLaughlin	ditto	200	- ditto 26 Aug. 1833	26 Sept. 1833	ditto	"	-	ditto.
			Mary Sherman	D. U. E.	200	-- Order in Council, 6 Dec. 1832	19 Sept. 1833	ditto	31 May -	-	ditto.
			Mary Morgan	ditto	200	- ditto 1 July 1830	27 Aug. 1833	ditto	10 May -	-	ditto.
			Mary Perry	ditto	200	- ditto 7 Feb. 1833	7 May 1834	ditto	"	-	ditto.
			Anne Pearsall	ditto	200	- ditto 4 Sept. 1834	7 Dec. 1835	ditto	11 May -	-	ditto.
			Angus McKay	S. U. E.	200	- ditto 27 June 1833	9 July 1833	ditto	"	-	ditto.
			Catherine McDonell	D. U. E.	200	- ditto 8 May 1833	2 Aug. 1833	ditto	"	-	ditto.
			Catherine Bartlett	ditto	200	- ditto 6 Dec. 1832	29 May 1833	ditto	"	-	ditto.
			Catherine Carpenter	ditto	200	- ditto 25 July 1833	27 June 1833	ditto	"	-	ditto.
			Hiram Wilson	S. U. E.	200	- ditto 27 June 1833	9 June 1833	ditto	"	-	ditto.
			William G. Pawling	ditto	200	- ditto 27 Oct. 1834	6 Nov. 1834	ditto	20 May -	-	ditto.
			Mary Roblin	D. U. E.	200	- ditto 28 Feb. 1835	4 Dec. 1835	ditto	30 May -	-	ditto.
			Adelta Frey	ditto	200	- ditto 11 Feb. 1836	12 April 1836	ditto	31 May -	-	ditto.
			Lewis Carpenter	S. U. E.	200	- ditto 25 July 1833	27 July 1833	ditto	"	-	ditto.
			James Charberlain	ditto	200	- ditto 27 Aug. 1833	23 Sept. 1833	ditto	"	-	ditto.
			Deborah Kellogg	D. U. E.	200	- ditto 19 Aug. 1833	24 Sept. 1833	ditto	"	-	ditto.
			Florence Benn	S. U. E.	200	- ditto -	23 Sept. 1833	ditto	"	-	ditto.

[illegible]

RETURN of Descriptions for Grants of Lands issued between 1st April and 1st August 1836, in the Province of Upper Canada—continued.

District.	County.	Township.	Grantees.	Nature of Claim.	Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When Description issued.	Con- sideration Money.	Fees.
Western— continued.	Kent— continued.	Sombra— continued.	John Clarke -	Militia -	200	- - Cert. adjutant-general militia, 5 Jan. 1821	5 Jan. 1821	None -	1836: 31 May -	-	Free.
			James Heward	- ditto -	200	- ditto 8 May 1821	7 Dec. 1825	ditto -	17 May -	-	ditto.
			Jeremiah Kettle	S. U. E. -	200	- - Order in council, 7 May 1835	7 May 1835	ditto -	31 May -	-	ditto.
			Sarah Baker -	D. U. E. -	200	- ditto 20 Nov. 1836	12 Mar. 1836	ditto -	1 June -	-	ditto.
			Ada Bell Huif	Discharged artificer	200	- ditto 2 May 1833	27 Oct. 1834	ditto -	3 June -	-	ditto.
			Mercy Bolton	D. U. E. -	200	- ditto 21 Feb. 1821	30 Sept. 1835	ditto -	5 May -	-	ditto.
			Canada Company	- -	455	- ditto 4 Feb. 1836	- ditto -	ditto -	2 July -	-	ditto.
			Andrew Wilson	Militia -	100	- - Cert. adjutant-general militia, 2 Sept. 1820	27 Sept. 1820	ditto -	20 July -	-	ditto.
			Paul Durtie, jun. -	- ditto -	200	- ditto 6 Jan. 1821	6 Jan. 1821	ditto -	26 July -	-	ditto.
			Jesse Call -	- ditto -	100	- ditto 25 May 1820	6 Jan. 1835	ditto -	6 April -	-	ditto.
			Thomas Davis, jun. -	S. U. E. -	200	- - Order in council, 4 April 1821	17 Jan. 1833	ditto -	"	-	ditto.
		Warwick	Archibald Peebles -	- ditto -	200	- ditto 6 Dec. 1832	16 Jan. 1833	ditto -	8 Apr 1	-	ditto.
			Robert Breaken-ridge.	- ditto -	200	- ditto 8 Nov. 1833	9 Nov. 1832	ditto -	"	-	ditto.
			Rachel Hartel	- ditto -	200	- ditto - ditto -	- ditto -	ditto -	"	-	ditto.
			Elizabeth Treats -	D. U. E. -	200	- ditto 17 July 1825	12 July 1833	ditto -	"	-	ditto.
			Andrew Sipes, jun. -	S. U. E. -	200	- ditto 7 July 1833	- ditto -	ditto -	"	-	ditto.
			Sally Knight	D. U. E. -	200	- ditto 6 Dec. 1832	- ditto -	ditto -	"	-	ditto.
			George Johnson	- ditto -	200	- ditto 11 July 1833	19 July 1833	ditto -	"	-	ditto.
			John Galloway	- ditto -	200	- ditto 7 Jan. 1824	14 Jan. 1833	ditto -	"	-	ditto.
			Abraham Nelles	- ditto -	200	- ditto 27 Mar. 1829	6 Nov. 1835	ditto -	"	-	ditto.
			Robert Robins	- ditto -	200	- ditto 11 May 1825	3 May 1833	ditto -	"	-	ditto.
			James Swats	- ditto -	200	- ditto 8 Dec. 1832	19 Dec. 1832	ditto -	11 April	-	ditto.
			Samuel C. Tuple	- ditto -	200	- ditto 2 Feb. 1832	- ditto -	ditto -	13 April	-	ditto.
			Stephen Land	- ditto -	200	- ditto 24 Nov. 1824	17 June 1833	ditto -	"	-	ditto.
			Appalona Carroll	- - Discharged ser-jeant, 22 Dec. 1797	400	- ditto 17 April 1832	9 July 1833	ditto -	16 May -	-	ditto.
			John M'Leay	- - Discharged seaman.	100	- ditto 27 June 1833	3 July 1833	- - Reside on grant three years.	28 June -	-	ditto.
			Jacob Hoffman	Militia -	100	- - Cert. adjutant-general militia, 13 Jan. 1821	31 Mar. 1835	None -	6 June -	-	ditto.
			Nancy Weegar	D. U. E. -	200	- - Order in council, 13 Nov. 1818	23 June 1821	ditto -	"	-	ditto.
			Gracy Wait -	- ditto -	200	- ditto 24 April 1835	19 Oct. 1835	ditto -	"	-	ditto.
			Benjamin Bowbeer	- - Settler, regula-tions 6 July 1804	200	- ditto 16 July 1816	9 Oct. 1835	- - Settlement duty and fees.	"	-	- Patent fee and survey paid.

Robert Johnston	S. U. E.	-	200	-	19 July 1833	None	-	-	Free.
Margaret Hopper	D. U. E.	-	200	-	ditto	ditto	-	8 June	ditto.
Mark Sims	S. U. E.	-	200	-	27 Aug. 1833	ditto	-	25 June	ditto.
John Crafford	- ditto	-	200	-	24 April 1833	ditto	-	28 June	ditto.
Phoebe Crafford	D. U. E.	-	200	-	ditto	ditto	-	"	ditto.
Elizabeth Curtis	- ditto	-	200	-	7 Feb. 1833	ditto	-	29 June	ditto.
William Monkhouse	- Settler, regula-	-	100	-	- Located by	- Settlement duty	-	8 April	- Patent fee
	tions 6 July 1804.	-		-	Colonel Talbot.	and fees.	-	10 June	and survey paid.
John Langford	- ditto	-	127	-	ditto	ditto	-	29 July	ditto.
William Emery	Crown land sale	-	2 lots	-	-	-	-	-	38 5
John Shipley, jun.	- Regulations,	-	1 1/4	-	3 Nov. 1825	ditto	-	-	ditto.
	31 Jan. 1824	-	1	-	-	-	-	-	-
Sarah Peterson	D. U. E.	-	200	-	21 June 1834	None	-	12 July	Free.
Samuel Peterson	S. U. E.	-	200	-	ditto	ditto	-	"	ditto.
Lucy Scott	D. U. E.	-	200	-	ditto	ditto	-	"	ditto.
James Peterson	S. U. E.	-	200	-	ditto	ditto	-	"	ditto.
Elizabeth Peterson	D. U. E.	-	200	-	ditto	ditto	-	"	ditto.
Hannah Judd	- ditto	-	200	-	20 June 1834	ditto	-	26 July	ditto.
Clarissa Bellinger	- ditto	-	200	-	2 June 1834	ditto	-	28 July	ditto.
Mary C. Good-	- ditto	-	200	-	26 May 1834	ditto	-	29 July	ditto.
enough.	-	-	-	-	-	-	-	-	-
Nancy Elliott	- ditto	-	200	-	1 June 1834	ditto	-	"	ditto.
Allan Grant	S. U. E.	-	200	-	12 April 1836	ditto	-	"	ditto.
David Poline	- ditto	-	200	-	10 Jan. 1835	ditto	-	"	ditto.
Hannah Swack-	D. U. E.	-	200	-	ditto	ditto	-	"	ditto.
hammer.	-	-	-	-	-	-	-	-	-

EXPLANATORY REMARKS.

The dates of the applications or petitions for the Lands referred to in this Return can in few instances be afforded by this Department; the dates of the original orders or authorities are therefore inserted in lieu.

The locations by Colonel Talbot and by the Hon. Peter Robinson were generally made some years ago; the orders in council quoted in those cases are special orders directing the patents to issue, the grantees having fulfilled the conditions. This remark also applies to some cases of discharged soldiers located by agents in 1832 and 1833.

All patents are free of fees, except where otherwise specified.

The sale of the Crown and Clergy Lands, with the conditions annexed to those sales, are under the superintendence of the Commissioner of Crown Lands.

Surveyor-General's Office, Toronto,
27 December 1836.

John M^r Anlay,
Surveyor-General.

Appendix to
Report to House
of Assembly.

(37.) K.

Committee-room, House of Assembly,
9 January 1837.

Sir,

A. N. Macnab, Esq. By desire of the committee to whom was referred Dr. Duncombe's petition, of which
to Commissioner of I am chairman, I am to request you will inform me as early as possible at what time the
Crown Lands, town plot at Port Credit was surveyed, at what time lots were disposed of at that place, in
9 Jan. 1837. what manner they were disposed of, and for whose benefit the same was sold.

I have, &c.

(signed) Allan N. Macnab,
Chairman.

To the Hon. Commissioner of Crown Lands.

Commissioner of Crown Lands' Office, Toronto,
15 January 1837.

Sir,

Reply to the above. In reply to your letter requesting information respecting the town of Port Credit, I beg
to acquaint you that the return of surveys was made upon the 26th June 1835; that town
lots therein have been sold by public auction at the court-house in this city, the times of
sale being the 28th August 1835, and 23d March 1836, with the exception of five lots sold
by private sale to the Rev. Peter Jones, and four lots sold in the same manner to John
Jones, under the authority of an assignment from the Indians of their tribe; the proceeds of
the sales are applied for the benefit of the Credit Indians of the Mississagua tribe.

I am, &c.

A. N. Macnab, Esq. (signed) R. B. Sullivan.

(38.) L.

Inspector General's Office, Toronto,
13 December 1836.

Sir,

G. H. Markland, I HAVE the honour to state for the information of the Honourable the Executive Council,
Esq. to J. Beikie, that I am not aware of any orders or warrants for public monies in anywise relating to the
Esq. issuing or facilitating the issuing of patents since the termination of the late session of
Parliament, or otherwise relating to or bearing upon the late general election.

I have, &c.

John Beikie, Esq., (signed) George H. Markland,
&c. &c. &c. Inspector-General.

(39.) M.

Committee-room, House of Assembly,
9 January 1837.

Sir,

A. N. Macnab, Esq. By desire of the committee of the House of Assembly, to whom was referred the petition
to J. H. Dunn, Esq. of Dr. Charles Duncombe to the House of Commons, of which I am chairman, I beg to
9 Jan. 1837. draw your attention to the following extracts from a letter addressed by Dr. Duncombe to
the Secretary of State for the colonies: "Your Lordship's attention is also directed to the
charges that public money has been most unconstitutionally placed at the disposal of com-
mittees, or other agents of the Tory candidates, to assist them in their elections. That the
sum of 5,000*l.* was placed at the disposal of the Tories, calling themselves the 'Constitutional
Society,' to be expended in aiding the election of the Tory candidates."

"That another sum was placed in the hands of the clerk of the House of Assembly, with
instructions to go to the eastern district and use that money to the best advantage (no
doubt corruptly) for securing the election and return of members who would support the
unconstitutional policy of Sir F. B. Head;" and to request that you will be pleased to
inform me, for the information of the committee, as early as possible, whether any monies
have been paid out of the public chest for the purposes mentioned by Dr. Duncombe, and
whether any could have been so paid without your knowledge.

I have, &c.

The Hon. John H. Dunn, Receiver-General. (signed) Allan N. Macnab.

Sir,

Receiver-General's Office, Toronto,
14 January 1837.

Sir,

IN reply to your communication of the 9th instant, received this morning, relating to a petition of Dr. Charles Duncombe to the House of Commons, I have the honour to inform you, that I am not aware of any public money having been taken out of my hands for the purposes of the Constitutional Society, and that no money could be drawn out of the public chest without my knowledge.

The sum of 27 *l.* sterling was paid to James Fitzgibbon, Esq. on the 20th June last, "on account of travelling expenses in proceeding to Cornwall on special service."

I have, &c.

(signed) John H. Dunn,
Receiver-General.

Allan Macnab, Esq., Chairman of the Committee of the House of Assembly, to whom was referred the petition of Dr. Charles Duncombe to the House of Commons, &c.

(40.) N.

Cornwall, 26 July 1836.

I BEG leave to address you for the purpose of bringing the necessity of stationing a detachment of troops in this town, to support the civil authorities in the event of the recurrence of the scenes of violence which have occurred on the public works. There is at this moment an imperative necessity for the presence of troops in this place, as a man who was employed on the canal is to be tried for murder at the ensuing assizes, and will in all probability be condemned; and, in the event of an execution, it might, without a military force, be extremely hazardous and difficult to execute the law.

The barracks for the reception of the troops have been in readiness for a twelvemonth past.

The assizes for this district commence on the first of next month, and it is extremely desirable that the troops should be here by the time they are over.

John Joseph, Esq., Secretary,
&c. &c. &c.

I have, &c.

(signed) D. M'Donell,
Sheriff, E. D.

(A true copy.) J. Joseph.

Sir,

Cornwall, June 14, 1836.

I HAVE the honour to send enclosed three affidavits, taken before Mr. Vankoughnet, for the purpose of affording information to his Excellency the Lieutenant-Governor as to certain outrages recently committed at the Long Sault and its vicinity, by the labourers employed on the works of the canal.

In transmitting these affidavits, I am most anxious to call the particular and immediate attention of his Excellency to the situation in which the peaceable inhabitants of the country are placed by the conduct of these canal labourers; and I trust that the facts need only be known to insure the interference of his Excellency, in affording that protection which the laws do not appear sufficient to afford, in the absence of the means of enforcing them.

On Saturday last the 10th instant, a great concourse of persons was assembled at Osnabrock, and amongst the rest a good many of the canal men attended, for the purpose of seeing a menagerie which was exhibiting at that place. In the course of the afternoon some trifling difficulty arose between one of these men and an individual connected with the menagerie, which ended in a scuffle, and which led to a general indication of violence on the part of the canal men. They armed themselves with clubs, and as far as I have heard, without any the least provocation on the part of the inhabitants, commenced an indiscriminate attack upon every individual who happened to come in their way.

The inhabitants in self-defence armed themselves, and made so stout a resistance that the aggressors were compelled to retreat, not, however, until many of them, as well as of the people of the place, received very serious injuries. The canal men were pursued, and I believe in the irritation of the moment some of them were severely beaten, and possibly some may have suffered who had not taken any active part in the affray. The other labourers at the Long Sault, to the number of 70 or 80, on hearing of the defeat of their companions, turned out to assist them, but were dissuaded from going up to the scene of action by some of the contractors, otherwise the result must have been a scene of bloodshed and violence, and perhaps murder. Since that period the inhabitants have not been permitted, except in a few instances, to pass on the public highway near the Long Sault without being assailed and beaten, though without any provocation, and in defiance of the contractors and officers of the canal; the labourers, many of them, express their determination to have revenge against the inhabitants, particularly those of Dutch origin, for what they consider the ill-usage of Saturday's affray, which was wholly provoked by themselves.

Under these circumstances it has become unsafe for the inhabitants to travel on the public

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public highways, and from the impossibility of getting any process executed, legal redress is almost out of the question. The militia are not possessed of arms, and, even if they were, their interference in assisting the civil power could not prove so effectual as that of a body of regular troops accustomed to obey orders and restrained by discipline. I am therefore under the necessity of urging in behalf of the inhabitants, that a body of regular troops may be sent down with as little delay as practicable, a detachment of which may be stationed at the Long Sault or its vicinity, and the remainder in this place. I would at the same time request, that arms may be sent down from the King's stores for the first and second regiments of Stormont militia, together with a small supply of ammunition. With such means of putting down outrage, I have very little doubt that peace would be effectually preserved without any necessity of calling upon the troops for using the arms. The very knowledge of the people being generally armed would, of itself, be sufficient to check the lawless spirit which at present prevails. The approaching election will, no doubt, attract a very large concourse, and it is most desirable, if practicable, that something effectual should be done to ensure the peace of the country before it occurs.

John Joseph, Esq.
&c. &c. &c.

I have, &c.

(signed) Archd. M'Lean.

(A true copy.) J. Joseph.

Eastern District.

THE examination and complaint of William Wood, of the township of Cornwall, in the said district, son of William Wood, of the same place, innkeeper, taken upon oath before me, Philip Vankoughnet, Esquire, one of His Majesty's Justices of the Peace in and for the said district: The said William Wood being duly sworn, depose and saith, that on Sunday afternoon last, he deponent was passing through the Long Sault on horseback, in company with three others; that two of his party, viz., Henry Butters and John Loucks, were attacked by several of the canal men with clubs; that Butters was knocked off his horse by one of them, and but for the interference of some women he would no doubt have been beaten nearly to death; that Loucks escaped after receiving one blow; that several stones were thrown at them, one of which struck deponent upon the arm; that no provocation whatever was given by any of his party for the attack thus made upon them; that from what deponent has seen and heard, he conceives it to be unsafe for any of the inhabitants to pass along the highway leading through the Long Sault.

(signed) William D. Wood.

Sworn before me, at Cornwall, this 16th day of June 1836,

(signed) P. Vankoughnet, J. P.

(A true copy.) J. Joseph.

Eastern District.

THE examination and complaint of Joseph Tanner, of the town of Cornwall, in the said district, taken upon oath before me, Philip Vankoughnet, Esquire, one of His Majesty's Justices of the Peace in and for the said district: The said Joseph Tanner being duly sworn, depose and saith, that on Sunday afternoon last the deponent was passing through the Long Sault on horseback, in company with three others; that two of the party, viz., Henry Butters and John Loucks, were attacked by several of the canal men with clubs; that Butters was knocked off his horse by one of them, and but for the interference of some women he no doubt would have been beaten nearly to death; that Loucks escaped with one blow; that several stones were thrown at deponent, but he escaped without injury; that deponent gave no provocation for the attack made upon him, not did any of the party with whom he was in company.

(signed) Joseph Tanner.

Sworn before me, at Cornwall, this 14th June 1836,

(signed) P. Vankoughnet, J. P.

(A true copy.) J. Joseph.

(Copy.)

Eastern District.

THE examination and complaint of Richard Cramer, of the township of Osnabruck, in said district, butcher, taken upon oath before me, Philip Vankoughnet, Esquire, one of His Majesty's Justices of the Peace in and for the said district. The said Richard Cramer being duly sworn, depose and saith, that he has resided upon the Long Sault, upon the line of the canal, for the last two years, exercising his calling as a butcher; that on Sunday night last his house was attacked by a body of the labourers upon the canal, and the windows of his house broken; that yesterday he proceeded to

Cornwall

Cornwall for the purpose of obtaining protection from the authorities, and did not return home that day; that on proceeding to his home this morning, he met his wife about three miles east of his house, who acquainted him that his house was attacked last night by upwards of sixty labourers upon the canal, who broke open the door and all the windows, took possession of his house, and ransacked every part of it in search of this deponent, whom they said they would murder if they could get hold of him; that this deponent has given no provocation whatever to any person for such unjustifiable conduct, nor can he learn from any one of the labourers upon the canal that he has done any thing to any one of them to merit such treatment; the only reason assigned by one of them is, that they are determined to avenge themselves of the owner of the house rented by this deponent, by destroying it, and punishing the deponent for being in it as well, being a countryman to a party with whom about 80 of them had a row on Saturday last. That deponent heard several of the canal men declare that they would thrash and beat every inhabitant of the place that they could catch, until they punished the right ones (meaning those with whom they had the row on Saturday last); that several of the canal men have threatened that they will burn and destroy the property and lives of Jacob H. Empsey, Philip W. Empsey, and the widow Manse, because the two former were active in the row which took place on Saturday last, and the latter kept the inn at which the row took place; that deponent dare not return to his house, nor his wife or family; that his property has been all at the mercy of the canal men since last night, and will most unquestionably be destroyed, for deponent dare not go to see after it.

(signed) *Richard Cramer.*

Sworn before me, at Cornwall, this 14th June 1836,

(signed) *P. Vankoughnet, J. P.*

(A true copy.) *J. Joseph.*

(Copy.)

Sir,

Government House, 18 June 1836.

IN answer to your letter dated Cornwall, 14 June 1836, applying for the presence of a military force in your neighbourhood, and for the arming of the 1st and 2d regiments of Stormont militia, for the purpose of intimidating the labourers on the canal, whose conduct has already been violent, and from whom you anticipate further outrage during the ensuing elections, I am commanded by the Lieutenant-Governor to inform you, that he does not feel disposed to command the employment of a military force in aid of the civil authority, except in a case of extreme necessity, and until all other legal means have been resorted to for the purpose of suppressing the outrage.

His Excellency conceives the approaching election to be a period at which the interference of military power, even by the mere influence of its presence in the vicinity, should be particularly avoided on legal and constitutional grounds, as well as on principles of expediency. His Excellency also is unwilling to encourage the civil authorities to rely upon the military force instead of upon their own activity and efficiency.

For the foregoing reasons, his Excellency cannot accede to your request, by ordering His Majesty's troops into your neighbourhood.

As to the arming of the two regiments of militia, his Excellency does not think that sufficient emergency exists to authorize him suddenly to direct this measure. It may be proper that in your neighbourhood some companies of militia should hereafter be organized and armed, but his Excellency does not think it proper that this should be attempted during the approaching election.

His Excellency is, however, desirous, in case of any very serious disturbance, to afford you every proper means of suppressing it; and with this object in view, he has commanded Colonel Fitzgibbon to proceed immediately to Cornwall to consult with you and Mr. Vankoughnet on the subject of your letter.

His Excellency is induced to believe that Colonel Fitzgibbon's presence amongst the labourers on the canal will be of much use in peaceably repressing every disposition to violence on their part; and his Excellency has directed Colonel Fitzgibbon to take with him from His Majesty's stores in Kingston 50 stand of arms, with ammunition, which, should he deem it necessary, he will place at the control of the magistracy, to be (in case of actual necessity, and not before) by them delivered to such militia-men as you and the same magistrates may deem prudent and trustworthy.

His Excellency recommends that the persons thus required to act should be first sworn in as special constables, and should use these arms under the direction and at the responsibility of the district magistrates.

After the election, his Excellency will be happy to receive any advice on the part of the colonels of militia in your neighbourhood, for the organization of rifle or volunteer companies of select men, which seem to his Excellency to be the most proper bodies to remain in possession of arms for any purposes for which it may unhappily become necessary that they should be employed.

I have, &c.

(signed) *J. Joseph.*

A. McLean, Esq., Clerk of the Peace, Cornwall.

(A true copy.) *J. Joseph.*

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(Copy.)

Sir,

Government House, 18 June 1836.

I AM directed by the Lieutenant-Governor, in reference to a conversation he had with you this morning, to put you in possession of his Excellency's commands.

You are aware that an apprehension exists, on the part of the magistrates in the town of Cornwall and its neighbourhood, that some violent and outrageous proceedings may take place during the ensuing elections on the part of the labourers on the St. Lawrence Canal. His Excellency has been applied to for the purpose of obtaining his authority for the employment of a military force in the neighbourhood, and also for the arming two regiments of militia, which precaution it was supposed would have the effect of intimidating the evil disposed without the actual use of arms.

His Excellency, however, is induced to believe, that sufficient grounds do not exist for so serious an apprehension of danger as these measures would imply, but that a judicious and energetic exercise of the civil authority will be equal to the actual emergency. With this object in view, his Excellency desires that without delay you will proceed to Cornwall and put yourself in communication with Mr. M'Lean and the Honourable Philip Vankoughnet, and any other magistrates of the neighbourhood, and that you will also make it your business to see the canal labourers, from whom the danger seems to be apprehended, to the end that by every means of persuasion in your power, you may induce them to refer their quarrel to the legal tribunals of the country; but that you do, if necessary, apprise them that sufficient power exists to enforce the preservation of the King's peace, should they, by their conduct, unhappily make recourse to such force necessary.

If, during your presence in the neighbourhood of Cornwall, you should see an actual necessity for the employment of armed force beyond what may be at the command of the civil authorities, you will in that case deliver into the hands of the magistrates 50 stand of arms and proper ammunition, which you will take with you from His Majesty's stores at Kingston, an order for which accompanies this letter.

You will also procure, during your stay, such information as you may think will be useful to the Government with respect to the propriety and the best manner of organizing a few rifle or volunteer companies in the neighbourhood of Cornwall, to whose keeping arms might in future be properly confided.

In order that you should be enabled to aid and assist in the preservation of the King's peace, I am to inform you that his Excellency has thought proper to appoint you a justice of the peace for the eastern district.

I have, &c.

James Fitzgibbon, Esq.

(signed) J. Joseph.

(41.) O.

Communication
from G. Gurnett,
Esq.

HAVING observed in the petition of Mr. Charles Duncombe to the House of Commons, a charge against Alderman Denison and myself, of our having bailed a man named Andrew Shore out of gaol, for the purpose of enabling him to vote against Mr. W. L. Mackenzie at the late general election in this province, I beg to make the following statement of the facts of that case.

On the 23d June 1836, two persons, named Robert Shore and Thomas Anderson, applied to me to take bail for Andrew Shore and Mary Shore, his wife, two prisoners in the gaol of this city.

I told the applicants that as I was not the magistrate who had committed the prisoners, and that although I had heard of the case, as I did not know of what particular offence Andrew Shore and his wife stood charged, I could not interfere; and referred the applicants to Mr. Alderman Denison, by whom the prisoners had been committed.

About two hours afterwards, Mr. Denison, accompanied by Robert Shore and Thomas Anderson, called on Mr. Alderman Eastwood and myself, to advise with us on the subject of the application to bail the said prisoners. On our inquiring of Mr. Denison, that gentleman informed us that he had, on the 7th June, committed three females on a charge of robbing a man on Andrew Shore's premises, and had at the same time committed Andrew Shore and his wife for keeping a disorderly house.

After a few moments' consultation between the three magistrates present, viz., Aldermen Denison, Eastwood and myself, we agreed that as the offence was clearly a misdemeanor, bailable by the magistrates, we would admit the prisoners, Andrew Shore and his wife, to bail on the proffered securities, which were unexceptionable.

The prisoners were accordingly brought up to the house of Alderman Eastwood, *in which the whole of this transaction occurred*, and there held to bail to appear, and discharged; and the bail-bond was signed "G. T. Denison," "John Eastwood," "George Gurnett," the three magistrates present.

I beg to state, emphatically, that at the time Andrew Shore was discharged on bail, I never heard of his having a vote for the second riding of the county of York, or indeed for any other county or riding in the Province; and I am quite certain that my brother magistrates knew as little of this circumstance as myself. Indeed, the fact that Mr. Alderman Eastwood, *who is a personal and political friend of Mr. Mackenzie's*, was one of the bailing magistrates,

trates, affords in itself a sufficient refutation of the charge that the prisoner, Andrew Shore, was released from gaol for the purpose of voting against Mr. Mackenzie; whilst the *design* of Mr. Duncombe and of Mr. Mackenzie in fabricating this charge against Alderman Denison and myself, is clearly demonstrated by their carefully disguising the fact, that Alderman Eastwood was one of the bailing magistrates.

It may be proper for me to add, that Andrew Shore and his wife appeared to take their trial in court, where they were indicted and convicted, as accessories to the robbery, but upon evidence which was not adduced before the committing magistrate, and which was not known to exist at the time the prisoners were discharged on bail. The ends of justice, however, were answered by their appearance.

George Gurnett,
Alderman and Mayor Elect of the City of Toronto.

(42.) P.

On the Thursday, 2d December 1836, Dr. Charles Duncombe having taken his seat in the Assembly, was called into the committee-room, when the chairman informed him that his Excellency the Lieutenant-Governor had communicated to this House, by message, his petition to the House of Commons, containing grave and serious charges against the Lieutenant-Governor, the public functionaries and officers of the Government, and members of the Assembly; and upon the request of the Assembly, also sent down certain letters between him (Dr. Duncombe) and Lord Glenelg, and others, wherein the like and further charges are made, and that this committee had been appointed to investigate the same, and are now ready to communicate to him the proceedings which had taken place thereon, and now called upon him to substantiate those charges and complaints; to which Mr. Duncombe replied that he was desirous of being furnished with a copy of his Excellency's message, and the documents sent down to the House of Assembly upon this subject, a copy of the resolution of the House appointing the committee, as well as the proceedings of the committee thereon, after the examination of which, he would cheerfully attend the call of the committee. Upon which, it was unanimously resolved, that the documents required be copied and furnished to Mr. Duncombe.

Minute of proceedings of Committee.

(43.) Q.—STATEMENT showing the CERTIFICATES issued from the Commissioners for Crown Lands Office, from the 26th April to the 2d July, being the period between the Prorogation of the last Parliament and the close of the late General Election in the year 1836, inclusive.

Date of Sale.	Number of Certificate.	Lot.	Concession.	Acres.	Township or Towns.	County.	In whose Name issued.	Date of Payment of Consideration in full.	Date of Issue of Certificate.	Date of Order in Council under which Certificate is issued.	Amount of Consideration Money paid.	Whether Crown, Indian or Clergy.
20 June - 1834	417	- - - 16	6	128	Cayuga	Haldimand	Israel Fogel -	1836: April 22	1836: April 22	1830: December 7	£. s. d. 105 12 -	Indian.
27 Feb. - 1832	418	- - 1, No. Sherbrook-street and east of George-street.	-	-	- - Town of Peterborough.	Northumberland	John Hutchinson -	May 4	May 4	" -	10 - -	Crown.
2 Sep. - 1835	419	- - Part of 24, 25, 26, 27 and 28, and part of 25, 26, 27 and 28.	3. 4	188	Brantford	Wentworth	John Charles Digby	- 5	- 5	" -	235 - -	Indian.
6 May - 1836	420	- - Part of 23, 24 and 27, and part of 23, 24, 25, 26, 27 and 28.	3. 4	458	ditto	ditto	William Holmes, esq.	- 6	- 6	" -	572 10 -	ditto.
30 Aug. - 1834	421	- - 20 and 21, E. Bedford-street.	-	-	Town Sandwich	Essex	James Beatty	- 7	- 7	" -	21 2 6	Crown.
31 Jan. - 1829	422	20 & 21, W. Bedford st.	-	-	ditto	ditto	ditto -	" 11	" 11	" -	20 2 -	ditto.
20 June - 1834	423	- - 4 N. Dr.	9	200	Gore of Toronto	York, 2d Riding	Dickinson Fletches	- 11	- 11	" -	162 10 -	ditto.
26 March 1833	424	- - - 19	6	128	Cayuga	Haldimand	Peter Kinter -	June 4	June 4	" -	105 12 -	Indian.
26 March 1833	425	- - - 23	10	175	Verulam	Durham	John Brookescrowe	- 6	- 6	" -	52 10 -	Crown.
26 March 1833	426	- - - 20	16	182	Harvey	Northumberland	ditto -	" -	" -	" -	46 5 2	ditto.
26 March 1833	427	- - W. half 19	17	75	ditto	ditto	ditto -	" -	" -	" -	19 1 3	ditto.
26 March 1833	428	- - E. half 22	17	100	ditto	ditto	ditto -	" -	" -	" -	25 8 4	ditto.
7 June 1836, public auction.	429	- - - 1	11	200	Nottawasaga	Simcoe	John Smith -	- 7	- 7	" -	50 - -	ditto.
6 June - 1833	430	- 20, on Dunlop-street	-	-	Barrie	ditto	David Smith Ross -	- 9	- 9	" -	15 15 -	ditto.
10 June - 1834	431	- - - 1	-	176	Moulton	Haldimand	Salmon Miner -	" 10	" 10	" -	132 - -	Indian.
5 Sep. - 1835	432	- 8, S. Talbot-street	-	-	Cayuga	ditto	Stephen Fant -	- 10	- 10	" -	10 - 3	ditto.
23 April 1833	433	- 26, N. of 5th-street	-	-	Cornwall	Stormont	Hugh McCollum -	" -	" -	" -	10 10 -	Crown.
18 Feb. - 1834	434	- 24, S. of 4th-street	-	-	ditto	ditto	William Wade -	" -	" -	" -	10 - -	ditto.
10 June - 1836	435	- 23, N. of 3d-street	-	-	ditto	ditto	Aaron Walsh -	" -	" -	" -	10 - -	ditto.
Per order in council, 3 July 1834.	436	- - 26 and 27, N. of Boulton-street - - 8 and 9, S. Dundas-street - - -	-	-	Cobourg	Northumberland	Benjamin Clark -	" -	" -	" -	10 - -	ditto.
10 June 1836, order in council, 3 July 1834.	437	- - 18, and E. 1 1/2 17, S. Dundas-street.	-	-	ditto	ditto	Geo. Strange Boulton	" -	" -	" -	3 15 -	ditto.
10 June 1836, order in council, 3 July 1834.	438	- - 34, W. 1/2 35, N. Boulton-street.	-	-	ditto	ditto	ditto -	" -	" -	" -	3 15 -	ditto.
9 June - 1834	439	- - - 1, N. 1st-street	6	-	Cayuga	Haldimand	Henry Huntsberger	- 13	- 13	" -	90 7 6	Indian.
23 April - 1833	440	- - - 1, N. 1st-street	-	-	Cornwall	Stormont	Alex. McLean -	- 16	- 16	" -	11 - -	Crown.

	441	- - -	St. Pt. 16	4	103	Brantford -	-	Wentworth	-	- Geo. Devereil, original sale to T. B. Smith.	-	17	-	17	--Certified, Lewis Bun- sete, Dep. 14 June 1836.	103	-	-	Indian.
18 Feb. '1836, public auction.	442	- - -	- - - 14	6	120 ½	Cayuga -	-	Haldimand	-	- Joseph Grobb, original sale to Abra- ham Grobb.	-	18	-	18	-- Order of the acting trustee In- dian affairs, 17 June 1836. Dec. 7, 1830	101	-	-	ditto.
18 June 1836, public auction.	443	- - -	- - -	-	-	Chatham -	-	Kent	-	William Emery -	-	"	-	"	-	17	10	-	Crown.
18 June - 1836	444	- - -	- - -	-	-	ditto -	-	ditto	-	ditto - -	-	"	-	"	-	20	15	-	ditto.
17 June - 1834	445	- - -	- - -	11	-	Collingwood	-	Simcoe	-	Henry James Castle	-	"	-	"	-	3	18	9	ditto.
20 June 1836, public auction.	446	- - -	- - -	-	-	Port Credit	-	York, 2d Riding	-	John Powell -	-	-	20	-	"	14	10	-	Indian.
Ditto -	447	- - -	- - -	-	-	ditto	-	ditto	-	Geo. Monro -	-	"	-	"	-	40	-	-	ditto.
13 Sep. - 1830	448	- - -	- - -	7	-	Gore of Toronto	-	ditto	-	John Groves -	-	"	-	"	-	75	-	-	Crown.
3 Sep. - 1834	449	- - -	- - -	-	-	Town Sandwich	-	Essex	-	Charles Askin -	-	-	22	-	"	7	10	-	ditto.
23 June 1836, Six Nations Indians in council.	450	- - -	- - -	-	228	Brantford -	-	Wentworth	-	Wm. Johnson Kerr	-	-	23	-	"	228	-	-	Indian.
1 June - 1833	451	- - -	- - -	-	-	Barrie	-	Simcoe	-	Thomas Graham -	-	"	-	"	-	10	5	-	Crown.
Oct. - 1832	452	- - -	- - -	-	-	Brantford -	-	Wentworth	-	Josh. Pillsworth -	-	-	24	-	"	12	-	-	Indian.
23 une 1836, lic auction,	453	- - -	- - -	-	-	Port Credit	-	York, 2d Riding	-	Alex. Dixon -	-	"	-	"	-	26	-	-	ditto.
Ditto -	454	- - -	- - -	-	-	ditto	-	ditto	-	Geo. Gurnett -	-	"	-	"	-	12	10	-	ditto.
Ditto -	455	- - -	- - -	-	-	ditto	-	ditto	-	Anthony B. Hawke	-	"	-	"	-	10	10	-	ditto.
2 Oct. - 1835	456	- - -	- - -	3	-	Brantford -	-	Wentworth	-	James Winniet, esq.	-	-	27	-	"	50	-	-	ditto.
27 June 1836, public sale.	457	- - -	- - -	-	-	Port Credit	-	York, 2d Riding	-	George Walton -	-	-	-	"	-	27	-	-	ditto.
5 Oct. - 1830	458	- - -	- - - W. ¾ 4	N. dr.	100	Gore of Toronto	-	ditto	-	- John Healy, ori- ginal sale to John Falvey.	-	"	-	"	-	75	-	-	Crown.
27 June 1836, public auction.	459	- - -	- - -	-	-	Port Credit	-	ditto	-	John King -	-	"	-	"	-	14	10	-	Indian.
17 March 1835, public auction.	460	- - -	- - -	-	-	Barrie	-	Simcoe	-	- Geo. A. Barber, original sale to B. Thorne.	-	"	-	"	-	12	15	-	Crown.
24 July - 1834	461	- - -	- - -	-	100	Moore	-	Kent	-	Louis Papineau -	-	July 1	1	July 1	-	25	-	-	Crown.
31 May - 1833	307	- - -	- - - E. ¾ 24	9	100	Beckwith -	-	Lanark	-	Duncan Mc'Laren -	-	April 26	26	February 4	-	50	-	-	Clergy. (continued.)

STATEMENT showing the Certificates issued from the Commissioners for Crown Lands Office, from 26th April to the 2d July 1836—continued.

Date of Sale.	Number of Certificate.	Lot.	Concession.	Acres.	Township or Towns.	County.	In whose Name issued.	Date of Payment of Consideration in full.	Date of Issue of Certificate.	Date of Order in Council under which Certificate is issued.	Amount of Consideration Money paid.	Whether Crown, Indian or Clergy.
16 June - 1834	308	- - W. half 20	6	100	Richmond	Carleton	William Wilkinson	1836: April 29	1836: April 29	1830: February 4	£. 75 - -	Clergy.
9 Nov. - 1831	309	- - N. half 23	8	100	Norwich	Oxford	James Gellard	May - 4	May 4	"	45 - -	ditto.
27 Mar. - 1832	310	- - Part 2, S. Road, and 2 broken front.	1	102½	Hope	Durham	Nathan B. Straw	- 23	- 23	"	115 6 3	ditto.
3 Feb. - 1829	311	- - E. half 15	3	100	East Gwillimbury	Simcoe	Ebenezer Doan	June 7	June 7	"	87 10 -	ditto.
18 April - 1829	312	- - W. half 16	4	100	North Gwillimbury	Simcoe	Elisha Mitchel, jun.	"	"	"	56 5 -	ditto.
8 April - 1830	313	- - E. half 27	2	101	Whitby	York, 3d Riding	Peter McDonald	"	"	"	100 - -	ditto.
12 June - 1829	314	- - S. part 15	B. F.	110	Whitby	York, 3d Riding	Benjamin Rogers	- 8	- 8	"	89 7 6	ditto.
8 July - 1833	315	- - Rear half 13	10	100	Elizabethtown	Leeds	John Green	- 10	- 10	"	125 - -	ditto.
17 June 1836, public auction.	316	- - N. W. half 21	10	100	Beckwith	Lanark	Duncan McEwan	- 17	- 17	"	50 - -	ditto.
21 June 1836, order in council, May 1836.	317	No. 2, Credit reserve -	5 Ra.	50	Toronto	York, 2d Riding	William Blain	- 21	- 21	"	50 - -	ditto.
11 June - 1829	318	- - N. half 16	1	100	Innisfil	Simcoe	Lewis S. Clement	July - 1	July 1	"	37 10 -	ditto.

With reference to the foregoing return, I beg to remark, that the purchaser of lands from the Crown became entitled to his patent upon the payment of the purchase money in full, the certificate of the Crown Lands Commissioners to that effect being (pursuant to an order in Council of the 7th December 1830) sufficient authority for the issuing of the same, no settlement duty being required, except upon the purchase of town lots, when the erection of a frame, brick or stone house of not less than 18 x 24 feet was required; this settlement duty has been performed in every case contained in the foregoing return, where the purchase was from the Crown, that is to say, when the town lots were the property of the Crown; but such settlement duty was not required before the issuing of the seven certificates on the town lots in Port Credit agreeable to the wishes of the Indians themselves, through their agents or representatives, Messrs. John and Peter Jones. The Commissioner of Crown Lands in the sale of Indian Lands being merely the receiver of the money, without being under any obligation to propose conditions other than the Indians themselves should stipulate.

In the sales of this year, I have stated the authority by and the manner in which such sales were made, viz., whether by order in council, public sales or otherwise, conceiving that the original sales of this year alone bore any reference to the Address of the Honourable the Commons House of Assembly.

The sales of Clergy Reserves have been conducted upon precisely similar conditions as those of Crown Lands.

The column "Date of Orders in Council under which Certificates issued," has reference to the general order in council; authorizes certificate of the Crown Lands Commissioner to be received as satisfaction to the Crown officer for the issuing the patents.

No certificate has been issued by this Department until the full amount of purchase-money has been paid the commissioner by such certificate becoming responsible for the receipt of such consideration money, particulars of which are given in the half-yearly accounts rendered to His Majesty's Government by this Department.

No deeds have been surrendered to this Department since the close of the late general elections.

Commissioner of Crown Lands Office, }
Toronto, 19 Dec. 1836.

R. B. Sullivan, Commissioner of Crown Lands.

(44.) R.

Executive Council Chamber at Toronto, Thursday 5th January 1837.

Report of Executive Council.

Present—The Hon. Robert Baldwin Sullivan, Presiding Councillor.

The Hon. William Allan.

The Hon. Augustus Baldwin.

The Hon. William Henry Draper.

To His Excellency Sir Francis Bond Head, Knight of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

IN obedience to your Excellency's commands respecting the address of the Honourable the House of Assembly, referred to the Executive Council by your Excellency, with instructions to procure the information therein required from the several departments of Government, and to cause such a return to be prepared under the supervision of the Council as would enable your Excellency satisfactorily to answer the inquiries contained in the address, the council have procured returns from the different offices which they respectfully beg to submit, with their own report, for the information of your Excellency.

The accompanying return from the provincial secretary will be found to contain a list of all the patents issued for lands from the time of the prorogation of the late Provincial Parliament until the end of the general elections, showing the numbers of the lots, the names of the grantees, the date of each patent, and the date of the respective orders in Council, by virtue of which the grantees became entitled thereto, with remarks detailing the nature of the right or claim of each grantee, and also showing, in an abstract appended to the report, the following results:

First. The number of letters patent issued between the 20th April and the 2d July last.

Second. The aggregate number of these patents completed, *within the same period*, upon orders in Council made during your Excellency's administration of the Government.

Third. The number completed upon orders issued under former Administrations.

Fourth. The whole number of patents completed upon orders in Council, issued since your Excellency assumed the Government, until the 2d July last.

Fifth. A classified description of the persons in whose names these patents were completed.

In the accompanying letter from the provincial secretary transmitted to the Council with the above return, it will be found that an alteration in the form of letters patent granting lands, by which the statement of abutments and boundaries is omitted, was adopted at the recommendation of the law officers of the Crown before the prorogation of the Parliament, before the coming into office of the present council, and without any reference to elections.

The surveyor-general in answer to the inquiries contained in the address of the Honourable House of Assembly transmitted to the Council the accompanying return, the same being a copy of one framed by him, by order of your Excellency, for the purpose of enabling His Majesty's Government to answer an address of the Honourable House of Commons on the same subject. It embraces a longer period than is required by the address of the Honourable the House of Assembly, as, besides containing a statement of transactions between the 20th April and 2d July, it comprises the time between the 1st April and the 1st August.

This return includes, of course, much of the information already contained in the report of the provincial secretary. It is transmitted by the Council to your Excellency, chiefly to show that no unusual proceedings have taken place in that office by relaxation of the original conditions upon which the nominees of the Crown were located. It is the duty of the surveyor-general to receive and adjudge upon the proof adduced of the performance of settlement duty, or other conditions of location, and he has no authority to dispense with such proof, unless upon special orders in Council.

As regards the special orders, the Council would respectfully remark that, in the case of settlers under the Hon. Colonel Talbot, his certificates of the performance of settlement duty, &c., have always been received and acted upon, by direct application to your Excellency in Council, and these form a great part of the special orders which have issued.

In some cases of discharged soldiers and commuted pensioners, the Council have, upon special applications showing circumstances by reason of which the conditions of location would, if insisted upon, produce great inconvenience to the individual, without any corresponding benefit, followed the course practised by their predecessors, particularly in accepting proof of the performance of the ordinary settlement duty, or improvement on the location by others, in lieu of personal residence by the locatee. The particulars of any case of relaxation of the original terms of location, if it should be deemed advisable to inquire into them, will be seen by copies of orders in Council remaining in the office of the surveyor-general.

The return from the Commissioner of Crown Lands gives in detail all the sales completed in that department within the period referred to, with the dates of the payments of the purchase-money, and of the certificates on which the descriptions issued, the amount of money paid, and the particulars of the lands sold, showing whether the same were Crown, Clergy or Indian lands. In a note appended to the Commissioner's report, the reason is shown why proof of the performance of settlement duties was not required in the case of seven Indian town lots at Port Credit, namely, the desire of the Indians themselves, who were considered the only parties interested.

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of Assembly.

The Council also transmit herewith a letter from the receiver-general, with a copy of an order in Council for the employment of two additional clerks in the office of the secretary and registrar, and a warrant for the payment of the expenses consequent thereupon.

For an explanation of the grounds of this order, the Council beg respectfully to refer to the letter of the provincial secretary upon which the same was founded, a copy whereof is herewith transmitted.

The Council also send herewith a letter from the inspector-general, denying any knowledge of orders or warrants for public monies in anywise relating to the points in question.

For the purpose of furnishing your Excellency with information as to communications made to any officers of Government by any persons in authority, relating to or bearing upon the late general elections, the Council caused a letter to be addressed to the clerk of the Crown in Chancery, requiring any information in his power on the subject matters of the address of the Honourable House of Assembly, the Council conceiving him to be the only functionary of Government who could in an official capacity communicate with the returning-officers on matters relating to the elections, and his answers on this and other subjects mentioned in the address will appear by the accompanying letter.

It only remains for the Council to allude to the proceedings in their own body, to the publicity of which, so far as relates to the inquiries contained in the address, the Council (with your Excellency's assent) see no objection. By these proceedings it will be seen that in the course pursued by your Excellency, throughout the period to which the address alludes, as to the prorogation and dissolution of the late provincial Parliament, as well as in the appointment of returning-officers, and of the times and places of holding the elections, your Excellency was in all things sustained by the deliberate advice and approval of the Council, whose humble assistance your Excellency was pleased to require in that anxious and interesting crisis.

The Council respectfully beg to transmit herewith a copy of a minute in Council of the 9th May last, advising the dissolution of the late Provincial Parliament; also a copy of a minute in Council of the 28th of the same month, advising an immediate dissolution, and the summoning a new Parliament, and recommending the times of holding the elections.

As respects the appointment of returning-officers and places of holding the elections, the Council would again refer to the letter of the Clerk of the Crown in Chancery, and respectfully remark that on receiving your Excellency's commands to transmit a list of returning-officers and places of election for approval, the Council requested the attendance of the Clerk of the Crown in Chancery; and in filling up such list, the principal object of the Council was, that every proceeding relating to the election should be conducted in the usual course, and that, as far as the Government was concerned, the same means of obtaining the sense of the electors should be taken as in the year 1834, when the House of Assembly was elected; from whose determinations your Excellency and Council were desirous of appealing to the electors themselves. The returning-officers and places of election were finally appointed as recommended by the Council, with a very few exceptions, in cases where the persons nominated were found to be candidates themselves, or were absent from their respective counties.

The Council would next respectfully refer to the letter of the provincial secretary, praying for the assistance of his office, for the purpose of expediting the public business therein, and the order in Council thereupon, a copy of which as above mentioned is transmitted with the report of the Receiver-General.

The Council would respectfully remark upon this point, that it was made apparent to them, upon their first coming into office, and particularly upon having before them the Secretary's statement of 26th March last, that, for the credit of the Government and proper efficiency of that important department, steps should be promptly taken for the expedition of business, which having proceeded through the other offices was there delayed, to the great injury and disappointment of persons soliciting and entitled to His Majesty's letters patent. The Council delayed making any order on the subject until they had instituted certain inquiries as to the means of defraying the additional expense, and as regarded the emoluments of the secretary; but on the reference to them by your Excellency of Mr. Cameron's letter herewith transmitted, the Council thought it advisable, on the urgency of the case therein stated, to make the provisional recommendation (a copy whereof was transmitted by the Receiver-General), which was approved of by your Excellency.

The Council beg respectfully to allude to another subject, which, though it did not come officially before them, yet, as to persons not acquainted with the circumstances, it may possibly be considered as having some relation to the late general elections, the Council would desire to call the matter to your Excellency's recollection. The Council have reference to the mission of Captain Fitzgibbon to the eastern district, to which he was sent by your Excellency for the purpose of taking measures for the preservation of the peace in that neighbourhood, on some disturbances being apprehended by the local authorities. The Council would respectfully suggest to your Excellency whether it would not be advisable to transmit the documents relating to this transaction to the House of Assembly, with a view of preventing any possible misunderstanding on the subject.

The Council feel it due to themselves to answer distinctly that part of the address by which your Excellency is requested to furnish the House of Assembly with copies of all communications made to any officers of the Government by any person or authority, and of any orders or warrants for public monies whatever, in anywise relating to the facilitating or issuing deeds since the termination of the late Session of Parliament, or otherwise relating

relating to or bearing upon the late general election. On these points the Council beg respectfully to declare that, neither individually or as a body, are they aware of any communication made to any officers of Government by any person in authority, or of any orders or warrants for any public monies whatever in anywise relating to the issuing or facilitating the issuing of deeds since the termination of the late Session of Parliament, other than as mentioned in the above report, and the documents accompanying it. The Council are not aware of any public monies which your Excellency or any of the officers of the Government could dispose of for such or for any other purposes without strictly and in a public manner accounting therefor. The Council are aware that your Excellency repeatedly expressed your desire that every thing relating to the late general election should proceed in the accustomed manner, and that nothing should be done by the officers of Government, in the exercise of their respective functions, which would not take place under the most ordinary circumstance. The Council are satisfied that they possess your Excellency's confidence that these desires have been by them faithfully obeyed, and they beg respectfully to declare that they have not in any instance deviated from the course which their own sense of public duty and your Excellency's commands alike pointed out. All which is respectfully submitted.

(signed) *R. B. Sullivan, P. C.*

(45.) R. (1.)

Sir,

Receiver-General's Office, 13 December 1836.

IN reply to your communication of the 12th instant, requiring for the information of his Excellency and the Honourable the Executive Council, "Copies of any orders or warrants for any public monies whatever in anywise relating to the issuing of patents since the termination of the late session of Parliament, or otherwise relating to or bearing upon the late general election," I beg to transmit the enclosed, and to acquaint you that I have made no other payments which relate to the points in question.

Letter from Receiver-General,
13 Dec. 1836,
with Enclosures.

To John Beikie, Esq.
Clerk of the Hon. Exec. Council, &c. &c. &c.

I have, &c.
(signed) *John H. Dunn, R. G.*

(Copy.)

(King's Arms.)

K.

Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

To the Honourable John Henry Dunn, Receiver-General of the said Province.

No. 552.

You are hereby directed and required, out of such monies as are in or shall come to your hands for defraying the civil expenditure of this Province, to pay or cause to be paid unto the Honourable Duncan Cameron, Secretary and Registrar of the Province, or to his assigns, the sum of Eighty-two pounds eleven shillings and sixpence sterling, equal to 91 l. 15 s. Canada currency, being the amount of his annexed account against the Government, for disbursements for further assistance in his office, authorized by order in Council of the 16th May 1836. An attested copy of which is annexed.

£. 82. 11 s. 6 d. sterling.
Dollars at 4/6.

(signed) *D. Cameron, Secy and Regr.*
(Entered.)
(signed) *George H. Markland,*
Inspector-General.

And for your so doing, this, with the acquittance of the said Honourable D. Cameron or his assigns, shall be your sufficient warrant and discharge.

Given under my hand at Toronto, this 23d day of July 1836,

(signed) *F. B. Head.*

By his Excellency's command.
(signed) *J. Joseph.*

(A true copy of voucher 22, account K. July to December 1836.)

Receiver-General's Office, 13 December 1836.

John H. Dunn, R. G.

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UPPER CANADA.

RECEIVER-GENERAL'S General Account Current K., for the period from the 1st July to the 31st December 1836.

Contingencies of the }
Provincial Secretary }
and Registrar Office. }

Voucher No. 22, dated 23 July 1836.

£.82. 11. 6. sterling.

(Copy of Voucher.)

Copy of a Report of the Executive Council of the 16th May 1836, approved by his Excellency the Lieutenant-Governor, on the application of the Secretary and Registrar of the Province for further assistance in his office.

The Council respectfully recommend to your Excellency to authorize the secretary and registrar of the Province to procure such assistance as he may think fit in the present press of business in his office, so that the same may be got through with all convenient speed, and that he continue so to do until your Excellency's further orders.

That the secretary and registrar do keep an exact account of his expenditure in consequence of the above order, so as to lay the same before your Excellency when thereto required; and the Council respectfully recommend your Excellency to cause such expenditure to be paid out of the casual and territorial revenue until the pleasure of His Majesty be known.

The Council have in view the recommendation of a permanent allowance for this office, but as the same will require some consideration and further inquiry, and as the public service seems to require immediate assistance in this department, the above recommendations are made temporarily until the Council can further take the matter into consideration.

(signed) John Beikie, Clerk, Executive Council.

UPPER CANADA.

The Government, to Duncan Cameron, Esq., Secretary and Registrar of the Province, for Disbursements for further assistance in his office, as authorized by a Minute in Council, dated 16th May 1836, and approved by his Excellency the Lieutenant-Governor.

	No. of Vouchers.	£.	s.	d.
For assistance in the office by T. Douglas Harrington, from the 23d May to 30th June 1836, both days inclusive, at 200 l. per annum	-	21	7	6
For ditto in ditto, by John F. Maddock, from ditto to ditto	-	21	7	6
For ditto in ditto, by Edward Kent, from ditto to ditto	-	21	7	6
For assistance, by T. Douglas Harrington, during extra hours, as per voucher	1	8	17	6
For ditto, by John F. Maddock, ditto, as per voucher	2	10	3	6
For ditto, by Edward Kent, ditto, as per voucher	3	6	18	6
For ditto, by James Henderson, ditto, as per voucher	4	1	13	6
Provincial Currency	-	91	15	-

Duncan Cameron, Secretary of the Province, maketh oath and saith, that the above account, amounting to Ninety-one pounds fifteen shillings provincial currency, is just and true, to the best of his knowledge and belief.

(signed) D. Cameron, Secy and Regr.

Sworn before me, at Toronto, the 7th day of July 1836,

(signed) Jn. B. Robinson, C. J.

(Examined.)

(signed) George H. Markland, Inspector-General.

Audited in Council, 19th July 1836.

(signed) R. B. Sullivan, P. C.

(46.) R. (2.)

(Copy.)

Sir,

Secretary's Office, Toronto, 11th May 1836.

Letter from Secretary and Registrar, 11 May 1836.

In reporting upon two letters complaining of delay in this office on the 15th March last, I had the honour of stating for his Excellency's information that the duties of this office had increased so much that there was then in the office more work than could be completed in three months, with my present means; and, in obedience to his Excellency's commands, I had the honour of transmitting to you, on the 28th March, a statement of the progressive increase of the duties of the office from 1st January 1826 to 31st December 1835.

Since

Since the latter period the business of the office has accumulated to such a degree that I am constrained to beg that you will be pleased to bring the subject again under the consideration of his Excellency the Lieutenant-Governor, and to suggest to his Excellency that two clerks, in addition to the one at present allowed, would be fully employed in executing the duties of the office with the necessary despatch and satisfaction to the public.

I take the liberty of stating that there are now in the office, not acted upon, 564 descriptions for land patents, six fiats for special instruments, two fiats for grants to the Canada Company, about 60 uncompleted patents, the Acts of the past session to be engrossed for transmission to England and for publication in this Province, and the Assize Oyer and Terminer Commissions to be prepared for the approaching circuit.

This accumulation of business, if not completed before the Crown Officers leave the place on their respective circuits, must remain unfinished till their return.

I have, &c.

(signed) *D. Cameron*, Secretary and Registrar.

(A true copy.)
(signed)

John Beikie, Clerk, Executive Council.

(47.) R. (3.)

In Council, 9 May 1836.

His Excellency came into Council and was pleased to require the opinion of the Council Minute in Council, on the question, whether the Provincial Parliament should or should not be dissolved, and 9 May 1836. if the Council should advise in the affirmative.

His Excellency desired advice as to the time when the same should be done.

Upon which the Council are unanimously of opinion—

That in consequence of the refusal of the supplies, and the other measures adopted by the House, for the purpose of embarrassing the Government, it is highly proper that his Excellency take the sense of the people, upon the conduct of their representatives, by a dissolution of the Provincial Parliament.

That delay in this case is inadvisable, as the public mind is thereby kept in a disturbed and anxious state, highly injurious to the welfare and tranquillity of the colony.

That the truly loyal and patriotic feelings expressed in the various addresses received by his Excellency, from most parts of the Province, show that the present time is favourable for the above purpose.

The Council therefore respectfully advise his Excellency to take an early opportunity of exercising His Majesty's Royal Prerogative of dissolving the present Parliament and summoning a new one.

(48.) R. (4.)

In Council, 28 May 1836.

His Excellency the Lieutenant-Governor having directed that the Council should be summoned for this day, and having come down to the Council, was pleased to submit the Minute in Council, 28 May 1836. following question:—

At what time would the Council advise that the present House of Assembly should be dissolved, pursuant to the minute in Council of the 9th instant, approved of by his Excellency?

The Council, having taken the same into consideration, were unanimously of opinion that his Excellency should be advised to order a proclamation to issue this day, dissolving the House of Assembly.

His Excellency further required advice of the Council as to the times of holding the respective elections, upon which the Council advised his Excellency as follows:—

1st. That the writs for a general election be issued bearing teste this day, and returnable on the 16th July.

That the county elections throughout the Province commence on Monday, 27th June:

For the City of Toronto, and the Towns of Niagara and Kingston, on Monday, 20th June:

For the Towns of Hamilton, Brockville and Cornwall, on Monday, 4th July.

(49.) R. (5.)

Sir,

C. C. Chancery Office, day of 1836.

I AM commanded by his Excellency the Lieutenant-Governor, to direct that the election Instructions to
for the county of be held at on Monday, the day of Returning Officers.
next ensuing.

I have, &c.

Samuel P. Jervis, C. C. Chancery.

To
Returning Officer for the county of
&c. &c. &c.

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INSTRUCTIONS to the RETURNING OFFICER of the County of

As soon as conveniently may be after the receipt of the writ and warrant, the returning-officer is to give public notice of the time and place when and where he means to hold the election, taking care to give not less than eight days between the date of the notice and the day of election. The notices may be in the following form:—

Whereas His Majesty's Royal Proclamation hath been issued, for the purpose of calling together a Legislative Council and House of Assembly for the Province of Upper Canada: And whereas, by a certain Act of Parliament of this Province, passed in the sixteenth year of the reign of his late Majesty George the Third, intituled, "An Act to provide for increasing the Representation of the Commons of this Province in the House of Assembly," the of is thereby entitled to be represented in the said House of Assembly, by member :

And whereas, by a certain instrument under the sign manual, and sealed with the seal of office of his Excellency Lieutenant-Governor of the Province of Upper Canada, I have been nominated and appointed returning-officer for the said of :

And whereas, by a certain writ under the great seal of the Province of Upper Canada by me received, I am thereby directed to cause member or representative the most fit and discreet, to be freely and indifferently chosen to represent the said of in Assembly, by those who may be present at the day of election :

Now know ye, that by virtue of the said nomination and appointment, and in obedience to His Majesty's said writ, I shall attend at on the day of next ensuing the date of this notice, at ten of the clock of the forenoon, and proceed to the election of member ; to represent the said of in the said House of Assembly ; and hereof all freeholders of the said of are to take notice and attend accordingly.

Dated this day of

A. B.

N. B.—As many of these notices as may be conveniently disposed of, should be published at churches, taverns and other public places.

On the day, and at the place and time specified in the said notice, the returning-officer is to attend, and having ordered proclamation of silence to be made, whilst His Majesty's writ should be published, the writ is to be produced and read.

The nomination of a candidate by a freeholder is then and usually made, which nomination being seconded, the candidate may, if he thinks proper, step forward and address the freeholders. If there should be no opposition made to the candidate thus proposed and seconded, the returning-officer may declare him to be duly elected; and the indentures transmitted with the writ of election are to be executed in both parts, between the returning-officer of the one part, and four or five of the freeholders of the other part, by signing and sealing the same, one of which said indentures the returning-officer is to annex to the said writ of election, and cause to be returned with it.

If two or more candidates should be proposed, the returning-officer is to name them to the freeholders in the order in which they are proposed, and is to call for a show of hands. If no opposition should be made to this method of deciding the contest, the returning-officer may declare such candidate or candidates (as the case may be), as shall appear to have the majority of legal votes, duly elected.

But if a poll be demanded for any candidate or candidates, either by the returning-officer himself or any two freeholders of the the same must be granted, and if a contested election appear certain, the returning-officer may erect, at the expense of the candidates, such a booth or convenient place for taking the poll as may be requisite and necessary ; and may appoint clerks to take the poll, who are to be paid by the candidates.

Before the returning-officer proceeds to take the poll, he is to take and subscribe the following oath:—

I do solemnly swear, that I have not directly or indirectly taken any sum or sums of money, office, place or emolument, gratuity or reward, or any bond, bill or note whatsoever, either by myself or any other person or persons to my use, benefit or advantage, for making any return at the present election of one or more member or members to serve in Parliament ; and that I will return such person or persons as shall, to the best of my knowledge and judgment, appear to me to have a majority of votes.

The member or members shall be chosen by the majority of the votes of such persons as may be possessed, for their own use or benefit, of lands and tenements within the said of such lands being by them holden in freehold, or in fief, or in roture, or by certificate derived under the authority of the Governor in Council of the Province of Quebec, and being of the yearly value of forty shillings sterling or upwards, over and above all rents and charges payable out of or in respect of the same ; and the deed or deeds of conveyance thereof (the said lands not having come to him or them by grant from the Crown, descent, devise or marriage), under which he or they may claim to hold such estate, having been registered three calendar months before the holding of the election aforesaid, or provided he or they shall have been in actual possession of the said estate, or have been in the receipt of the rents and profits thereof, for his or their own use, above twelve calendar months next before such election.

And provided also, such person or persons claiming to vote shall not have sworn allegiance to any foreign state, or have been a stated resident in the dominions of the same, unless such person or persons shall have been previously and *bonâ fide* resident in this Province, or some other of the dominions of His Majesty, for and during the term of seven years

next

next preceding the election, and shall have taken the oath of allegiance to His Majesty. If the election should not be determined on a view, with the consent of the freeholders present, the returning-officer shall proceed to take the poll, and shall not adjourn the election to any other place, nor shall he delay the election, but shall proceed from day to day until all the freeholders present shall have polled. No returning-officer, however, can continue any election more than six days (Sunday, Christmas-day and Good Friday excepted).

The return to be made by executing the indentures as above-mentioned ; and the writ and return, so executed as aforesaid, are to be transmitted with convenient despatch, after the election is thus terminated, to the Clerk of the Crown in Chancery, addressed to him at Toronto.

(50.) S.

EXTRACTS from the POLL-BOOKS returned into the Office of the Clerk of the Crown in Chancery, showing the Number of Votes polled for each Candidate at the General Election for the Year 1836.

Extracts from
Poll-books.

Counties and Towns.	Candidates.	Votes polled for each.	Remarks.
Glengarry - -	Donald M'Donell - -	824	
	Alexander M'Martin - -	497	
	Alexander Chisholm - -	510	
	James Grant - -	96	
Stormont - -	William Bruce - -	293	
	Archibald M'Lean - -	344	
	Donald A. M'Donell - -	343	
	John Walcott - -	213	
Dundas - -	Peter Shaver - -	}- - -	No poll-book.
	John Cook - -		
Russell - -	Thomas M'Kay - -	- - -	- ditto.
Prescott - -	Richard P. Hotham - -	170	
	John Kearns - -	165	
	Charles Waters - -	52	
	George M'Donell - -	61	
Lanark - -	Alexander Thom - -	518	
	John A. H. Powell - -	552	
	Thomas M. Radenhurst - -	385	
	Malcolm Cameron - -	559	
Carleton - -	Edward Malloch - -	283	
	John Bower Lewis - -	346	
	James Johnston - -	194	
Leeds - -	Jonas Jones - -	363	
	Ogle R. Gowan - -	351	
	William Buell - -	169	
	Matthew M. Howard - -	168	
Grenville - -	Hiram Norton - -	}- - -	Poll-book destroyed.
	W. B. Wells - -		
Frontenac - -	Jacob Shibley - -	157	
	John Marks - -	286	
	James Matthewson - -	342	
	George W. Yarker - -	62	
Hastings - -	Anthony Manahan - -	417	
	Henry W. Yager - -	364	
	Nelson G. Reynolds - -	371	
	Edmund Murney - -	417	
Lennox and Addington	Peter Perry - -	372	
	John S. Cartwright - -	475	
	Marshall S. Bidwell - -	375	
	George H. Detlor - -	465	
Prince Edward - -	John P. Roblin - -	225	
	Charles Bockus - -	427	
	James Wilson - -	160	
	James Rogers Armstrong - -	454	

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EXTRACTS from the POLL-BOOKS, &c.—*continued.*

Counties and Towns.	Candidates.	Votes polled for each.	Remarks.
Durham - - -	George S. Boulton - -	419	
	George Elliott - - -	408	
	John Brown - - -	259	
	John D. Smith - - -	229	
Northumberland -	Henry Ruttan - - -	574	
	Boswell - - -	413	
	Gilchrist - - -	440	
	Alexander M'Donell - -	583	
First Riding, York -	David Gibson - - -	378	
	Benjamin Thorne - -	311	
Second Riding, York	Edward Thomson - -	489	
	William L. Mackenzie -	389	
Third Riding, York -	Francis Leys - - -	242	
	Thomas D. Morrison - -	343	
Fourth Riding, York -	John Simcoe Macaulay -	174	
	John M'Intosh - - -	309	
Wentworth - - -	Michael Aikman - - -	440	
	William Notman - - -	32	
	Allan N. Macnab - - -	447	
	Hann's Smith - - -	383	
	Jacob Rymal - - -	348	
Halton - - -	Caleb Hopkins - - -	824	
	James Durand - - -	813	
	William Chisholm - - -	944	
	Absolom Shade - - -	876	
Simcoe - - -	William B. Robinson - -	126	
	James Wickens - - -	120	
	Samuel Lount - - -	34	
First Riding, Lincoln	Richard Woodruff - - -	278	
	William Crooks - - -	193	
	John Lyons - - -	-	
Second Riding, Lincoln	George Rykert - - -	248	
	William Woodruff - - -	146	
	John Clark - - -	17	
Third Riding, Lincoln	David Thorburn - - -	251	
	John Lefferty - - -	222	
Fourth Riding, Lincoln	Gilbert M'Micking - - -	171	
	William Hepburn - - -	43	
Haldimand - - -	W. H. Merritt - - -	120	
	H. Davis - - -	89	
Oxford - - -	Charles Duncombe - - -	451	
	Robert Alway - - -	408	
	James Ingersol - - -	261	
	G. W. Whitehead - - -	174	
Middlesex - - -	Thomas Parke - - -	701	
	Elias Moore - - -	691	
	John Bostwick - - -	585	
	Joseph B. Clench - - -	609	
Norfolk - - -	William Salmon - - -	236	
	D. Duncombe - - -	316	
	John Rolph - - -	332	
	H. Webster - - -	144	
Huron - - -	Robert Graham Dunlop - -	-	No contest.
Essex - - -	Francis Caldwell - - -	341	
	John Prince - - -	364	
	Charles Elliott - - -	42	
	Dominique Longlois - -	116	

EXTRACTS from the POLL-BOOKS, &c.—continued.

Counties and Towns.	Candidates.	Votes polled for each.	Remarks.
Kent - - -	James Delmege - - -	29	
	William M'Crae - - -	225	
	Nathaniel Cornwall - - -	204	
	Richard Longford - - -	193	
	Samuel Smith - - -	13	
	James Ruddle - - -	11	
	Daniel O'Reilly - - -	13	
	Peter P. Lacroix - - -	131	
	Dun. M'Gregor - - -	-	
Cornwall - - -	Solomon Y. Chesley - - -	14	
	George S. Jarvis - - -	20	
Brockville - - -	Henry Sherwood - - -	51	
	John Bogart - - -	35	
Kingston - - -	Chris. A. Haggerman - - -	-	No contest.
City of Toronto - - -	William Henry Draper - - -	287	
	James E. Small - - -	202	
Niagara - - -	Charles Richardson - - -	74	
	Edward C. Campbell - - -	67	
	Alexander Stuart - - -	10	
Hamilton - - -	Colin C. Ferrie - - -	77	
	Miles O'Reilly - - -	22	
London - - -	Mahlon Burwell - - -	31	
	John Scatchard - - -	7	

Sam. P. Jarvis,

Clerk of the Crown, Chancery.

For (51.) T, see Mr. Street's affidavit in the Evidence, page 80.

(52.) U.

Sir,

Etobicoke, 21 January 1837.

IN reply to that part of Dr. Duncombe's petition to the House of Commons which relates to me, I beg leave to state that Dr. Duncombe is quite mistaken as to the cause of my declining to take the qualification oath at the poll, and consequently not giving my vote as I wished to do. I obtained the deed of the land of our present Chief Justice more than five years ago. It consists of a village lot containing about half an acre, very eligibly situated in the village of Springfield, on the great public road leading from the City of Toronto to the town of Hamilton. I had never let it to any one, but I allowed a poor widow woman to raise potatoes on it. When I went to the hustings to vote upon it, I never thought of what might be its annual value, and when the question was put to me to take the qualification oath, previous to giving my vote, I declined doing so, as at that moment I was not prepared to swear that it was worth 40 s. per annum; but on leaving the hustings I was offered by a respectable person for the lot 3*l.* per annum, and, if I would lease it for five years, 5*l.* per annum; indeed the same person has since repeated his offer, and is desirous to take it for five years. The lots situated in the front of the road, as mine is, I am told, are each of them worth 3*l.* per annum; they are generally well cultivated, and most of them have good buildings erected upon them.

Letter from
Rev. T. Phillips.

I have, &c.

Allan N. Macnab, Esq., Chairman.

(signed) Thos. Phillips, D. D.

(53.) V.

Communication
from J. MacIntosh,
Esq.

To Allan N. Macnab, Esq., Chairman of the Committee on Dr. Duncombe's Petition
to the House of Commons.

Sir,

I AM desirous of making the following alterations to the evidence given by me before the Committee:—

With regard to the question relative to the interference of Sir F. B. Head either directly or indirectly with my election, I would answer that I have no knowledge of Sir F. B. Head interfering personally at my election; but I am decidedly of opinion the answers given by him to the several addresses from the people, prior to that time, had an evident influence, and perhaps more so than had he personally interfered.

The sheriff of the district who is a Government officer, and under the direct control of Sir F. B. Head, did exercise his influence at my election, in opposing myself and in voting for and supporting Captain M'Aulay; he also seconded his nomination, which gave him the opportunity of addressing the electors in his favour.

The clerk of the Crown in Chancery and deputy secretary and registrar of the Province is also a Government officer, and, under the direct control of Sir F. B. Head, did also publicly interfere at my election, and endeavoured to influence the electors to vote against myself and in favour of Captain M'Aulay.

The master in Chancery, an officer of the Legislative Council, and under the influence of Sir F. B. Head, inasmuch as he is appointed to the office by the Lieutenant-Governor, did also interfere and exercise his influence at the election against myself and in favour of Captain M'Aulay.

Not a magistrate of the riding voted for me, but in favour of Captain M'Aulay; they are directly dependent on Sir F. B. Head for their office.

I doubt not but this influence, direct and indirect, was exercised to a greater extent and more effectually in other ridings and counties. I think it is very clearly shown, by the above facts, that Sir F. B. Head did exercise an indirect influence at my election; and I also think it is evident that he deviated from the instruction given him by the Secretary of State on his assuming the Government of this Province, when the appended extract is compared with the above evidence.

Captain M'Aulay, at the time that he offered himself as a candidate, was an officer on full pay, and he stated at the hustings that he had written for leave to retire on half pay, but had not received an answer.

He had runners through the riding paying and inducing the electors to come and vote for him; he kept the poll open for six days, not with any expectation of being returned, but gave as a reason that he wished to poll all the loyal voters in the riding. There was no copy of the statutes to be got the first day, but Mr. M'Aulay made out a written copy of an oath which the returning-officer administered to the electors the first day. On the morning of the second day, one of my friends procured a copy of the statutes; on the returning-officer perceiving this, he tore the written copy and stated that it was not correct; he refused men's votes who had lived in the county from 30 to 40 years, and who had fought in defence of the country in the last war, and who had voted at former elections; but because they were born in the United States, they were not allowed to vote till they procured a certificate of having taken the oath of allegiance, or a King's deed got out in their own name. But on the first two or three days the returning-officer would not receive the votes of any of these persons if they had disposed of the land obtained from the Crown, though they might be yet in possession of much landed property, even though they had the King's deed in their pockets, because Mr. M'Aulay decided that he should not receive them. The reason was quite evident, the majority of these persons were Reformers, and in favour of cheap and responsible Government. These are the men that bore the heat and burthen of the day in first settling the Province, but because they would not support such men as would pass Alien Acts, they are stigmatized as being disloyal to their King and country.

In my opinion this is the way to alienate the affections of the people from the Government; those men who supported Reformers at the late elections, and who held situations under the Government, were dismissed from office without any reason being assigned for their dismissal; but the man that is most active, if he is in the employ of Government, let him be ever so corrupt, he is the first that is promoted; and the worst of all is, the people are obliged to pay him to keep up a Legislature that they disapprove of; but if there be a Reformer in the employ of Government who dares to act according to his conscience, he is dismissed from office without being tried, as he should be, before he is condemned. Is this what you call a free and responsible Government? In my opinion it is not. The argument that will be raised in favour of those in power is, that a man should obey his master; but you must recollect that when he obeys his master he has the liberty of choosing that master.

Sir F. B. Head, in his instructions from Lord Glenelg, is ordered to adopt that part of the Earl of Ripon's despatch of the 8th November 1832 which relates to Government officers interfering at elections; but, to my astonishment, I saw those officers, from the Executive Council to the deputy hangman, all busy at the election. This is quite contrary to Sir F. B. Head's instructions; but, says Lord Glenelg, "Well done, good and faithful servant, I will sustain you in your office for going contrary to my orders." I suppose this is what you call responsible Government, when a man is told to do one thing and does another.

I have, &c.

(signed) John M'Intosh.

EXTRACT from Lord Glenelg's Despatch to Sir F. B. Head, dated Downing-street,
5 November 1835.

"12th. The next topic of complaint is, that many of the recommendations contained in Lord Ripon's despatch of the 8th November 1832 have not been carried into effect. Amongst these are especially mentioned, such as relate to the amendment of the election laws; the non-interference of His Majesty's officers at elections; the disclosure to the House of the receipt and expenditure of the Crown revenue, the exclusion of ministers of religion from the Legislative and Executive Councils; the reducing the costs of elections; the judicial independence, and the limitation of the number of public officers who may sit in the Assembly.

Appendix to
Report to House
of Assembly.

"Adhering without reserve or qualification to all the instructions issued under His Majesty's commands by Lord Ripon, the King is pleased to direct that you do adopt that despatch as a rule for the guidance of your conduct, and that you exert your legitimate authority and influence, to the utmost possible extent, to carry into effect all such of his Lordship's suggestions as may still continue unfulfilled."

EXTRACT from the Earl of Ripon's Despatch to Sir John Colborne, dated 8 Nov. 1832.

"On this subject, however, in the absence of any more definite statements, I can only instruct you, that His Majesty expects and requires of you neither to practise nor to allow, on the part of those who are officially subordinate to you, any interference with the rights of his subjects to the free and unbiassed choice of their representatives."

(signed) *John M'Intosh.*

Truly extracted from the Journal of the Assembly of Upper Canada.

James Fitzgibbon, Clerk of Assembly.

— No. 3. —

COPY of a DESPATCH from Lord Glenelg to Sir F. B. Head.

Sir,

Downing-street, 17 April 1837.

I HAVE received your despatch dated the 4th February, No. 7; it reached me on the 20th ultimo. It was not until the 7th instant that I received, by a subsequent conveyance, the Appendix, comprising the evidence taken before the Committee of the House of General Assembly of Upper Canada, to which was referred my correspondence with you on the subject of the Petition presented to the House of Commons by Dr. Duncombe in the Parliamentary Session of 1836.

No. 3.
Despatch from
Lord Glenelg to
Sir F. B. Head.

The refutation of Dr. Duncombe's charges is entirely satisfactory. It has been in the highest degree gratifying to me to be able to report to His Majesty, that, after a minute and rigorous inquiry, during which every facility was given to the petitioner to substantiate his accusation, your conduct, in reference to the elections, has been proved to have been governed by a strict adherence to the principles of the constitution.

I have, &c.

(signed)

Glenelg.

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COLONIAL LEGISLATURES.

RETURN to an ADDRESS from the Honourable The House of Commons,
dated 22 June 1837 ;—for,

COPY of an ACT passed by the LEGISLATURE of *Upper Canada*, during its last Session, for continuing the existence of the House of Assembly, notwithstanding the Demise of the Crown ; also, COPIES of any similar ACTS passed by the Legislatures of any other of the British North American Colonies.

Colonial Office, Downing-street, }
23 June 1837.

G. GREY.

SCHEDULE.

No. 1.—UPPER CANADA:—An Act to prevent the Dissolution of the Parliament of this Province in the event of a Demise of the Crown. (Passed 4th of March 1837.) - - - p. 1

No. 2.—LOWER CANADA:—An Act for continuing the Provincial Parliament in case of the Death or Demise of His Majesty, His Heirs and Successors. (Passed 14th of March 1829.)
p. 2

No. 3.—NOVA SCOTIA:—An Act for continuing the General Assembly in case of the Death or Demise of His Majesty, His Heirs and Successors. (Passed 30th of March 1833.)
p. 2

— No. 1. —

UPPER CANADA.

7 Will. 4, c. 17.—AN ACT to prevent the Dissolution of the Parliament of this Province in the event of a Demise of the Crown.—(Passed 4th March 1837.)

No. 1.
UPPER CANADA.

7 Will. 4, c. 17.

WHEREAS it is expedient to provide against the great inconvenience which might ensue from the inevitable dissolution of the Provincial Parliament upon a demise of the Crown on any future occasion ; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled ' An Act for making more effectual provision for the government of the province of Quebec in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the Parliament of this province shall not in any case be deemed to be determined or dissolved by the death or demise of His Majesty, His heirs or successors, nor shall any session of the Parliament of this province be deemed to be determined, or the proceedings therein pending in any manner abated, interrupted or affected by the demise of His Majesty, His heirs or successors ; but, notwithstanding such death or demise, the Parliament of this province shall continue, and, if sitting, shall proceed to act until dissolved or prorogued in the usual manner, or until the legal expiration of the term of such Parliament.

Legislative Council Chamber,
25th day of February 1837.

(signed) John B. Robinson, Speaker.

Commons House of Assembly,
25th day of February 1837.

(signed) Arch. M'Lean, Speaker.

I assent to this Bill in His Majesty's name.

(signed) F. B. Head, Lieut.-Governor.

No. 2.

LOWER CANADA.

— No. 2. —

LOWER CANADA.

9 & 10 Geo. 4, c. 74. 9 & 10 Geo. 4, c. 74.—AN ACT for continuing the Provincial Parliament in case of the Death or Demise of His Majesty, His Heirs and Successors.—(Passed 14th March 1829.)

Preamble.

WHEREAS the peace, welfare and security of this province might be exposed to great dangers if the Provincial Parliament of this province should be dissolved by the death or demise of the King our Sovereign Lord (whom God long preserve), or by the death or demise of any of His Majesty's heirs and successors; for remedy thereof, Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled 'An Act for making more effectual provision for the government of the province of Quebec in North America,' and to make further provision for the government of the said Province;" and it is hereby enacted, by the authority of the same, That this Provincial Parliament, or any other Provincial Parliament of this province which shall have been summoned and called by our present Sovereign Lord King George the Fourth, or His heirs and successors, shall not determine or be dissolved by the death or demise of His said Majesty, His heirs and successors, but such Provincial Parliament shall, and it is hereby enacted to continue, and may meet, convene and sit, proceed and act, notwithstanding such death or demise, in the same manner as if such death or demise had not happened.

Provincial Parliament not to be dissolved by the demise of the King.

Not to abridge power to prorogue or dissolve the Provincial Parliament.

II. Provided always, and it is hereby enacted, That nothing in this Act contained shall extend or be construed to extend to alter or abridge the power of the King, His heirs and successors, to prorogue or dissolve the Provincial Parliament of this province.

No. 3.

NOVA SCOTIA.

— No. 3. —

NOVA SCOTIA.

3 Will. 4, c. 4. 3 Will. 4, c. 4.—AN ACT for continuing the General Assembly in case of the Death or Demise of His Majesty, His Heirs and Successors.—(Passed the 30th day of March 1833.)

Preamble.

WHEREAS the peace, welfare and security of this province might be exposed to great dangers if the General Assembly of this province should be dissolved by the death or demise of the King our Sovereign Lord (whom God long preserve), or by the death or demise of any of His Majesty's heirs and successors; for remedy thereof, Be it enacted by the president, council and assembly, That this General Assembly, or any other General Assembly of this province which shall have been summoned and called by our present Sovereign Lord King William the Fourth, or His heirs and successors, shall not determine or be dissolved by the death or demise of His said Majesty, His heirs and successors, but such General Assembly shall, and it is hereby enacted to continue, and may meet, convene and sit, proceed and act, notwithstanding such death or demise, in the same manner as if such death or demise had not happened: Provided always, and it is hereby enacted, that nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the power of the King, His heirs and successors, to prorogue or dissolve the General Assembly of this province; provided, that nothing in this Act contained shall be of any force or effect until His Majesty's pleasure therein shall be known.

General Assembly continued after death or demise of His Majesty.

Proviso.

(signed) *Thos. N. Jeffery.*

COLONIAL LEGISLATURES.

ACTS passed by the COLONIAL LEGISLATURES,
during the last Session, for continuing the
existence of the Houses of Assembly notwith-
standing the Demise of The Crown.

(*Sir George Grey.*)

Ordered, by The House of Commons, to be Printed,
27 June 1837.

ORANGE LODGES (UPPER CANADA).

RETURN to an Address of the Honourable The House of Commons,
dated 24 April 1837;—for,

COPIES of the ORDERS sent out to the *Canadas* respecting ORANGE LODGES there, the Date of the Despatch, and of Arrival of those Orders there, and the Answers received from the Governors of *Upper* and *Lower Canada* as to the Proceedings adopted thereunder:—also, Of the Address of the HOUSE of ASSEMBLY of *Upper Canada* to the Governor respecting ORANGE LODGES, and his Answer thereto.

[In continuation of Returns presented to The House of Commons, and ordered to be Printed,
on the 16th August 1836, No. 571.]

Colonial Office, Downing-street, }
17 May 1837.

G. GREY.

LETTER from Lord *Glenelg* to Sir *F. B. Head*, K.C.H., &c. &c.

Sir,

Downing-street, 24 August 1836.

I HAVE the honour to enclose, for your information, a copy of a Return which has been presented to The House of Commons in pursuance of an Address of that House to His Majesty, adopted on the Motion of Mr. Hume, M.P.

I am aware, from a comparison of dates, that at the time when you received the Address of the House of Assembly of Upper Canada, a copy of which is contained in the enclosed Parliamentary Paper, you could not have been aware of the proceedings which had taken place in the month of February last in the House of Commons relative to Orange Lodges, and that you could not at that time have received my Despatch of the 27th February, transmitting to you a copy of the Address to The King from The House of Commons on this subject, and of His Majesty's Answer to that Address. On the recent occasion of some observations reflecting on your conduct with reference to this question being made in the House of Commons, Sir G. Grey felt it his duty distinctly to state this fact to The House as materially affecting any opinion which might be formed of the policy or propriety of the terms of your Answer to the Address of the Assembly of Upper Canada. I need scarcely observe, that there is nothing which His Majesty's Government would more deeply regret, than that, while their unremitting endeavours are directed in this country, and especially in Ireland, to check the evils which have been engendered by religious differences, and to put a stop to the irritation and violence which party processions are calculated to produce, any semblance of indifference to the same important object should be manifested by His Majesty's representatives in other parts of His dominions. I am very far from assuming that you do not cordially enter into the views of His Majesty's Government on this subject, and I should be doing you a great injustice, if I could admit a question as to your zealous co-operation with them in discountenancing those passions and animosities which, especially when connected with religious differences, are the fruitful sources of innumerable evils, and throw the greatest obstacles in the way of the welfare and prosperity of any country.

I have, however, felt it incumbent on me to call your attention to this Return, in the full confidence that it is your purpose to administer the Government, which His Majesty has confided to you, with the strictest impartiality, and with the high object of advancing the real interests of every class of His Majesty's Subjects in the Province.

I have, &c.

(signed) *Glenelg.*

Paper No. 571, Ordered
to be printed by The
House of Commons,
16 Aug. 1836.

ORANGE LODGES
(UPPER CANADA).

COPIES of ORDERS sent out to the *Canadas* respecting ORANGE LODGES there, the Date of the Despatch and the Arrival there, and the Answers received, &c.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
1 June 1837.*

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U P P E R C A N A D A.

RETURN to An ADDRESS of the Honourable The House of Commons,
dated 20 August 1836;—for,

COPY of all ORDERS in COUNCIL and INSTRUCTIONS sent to Upper Canada by His Majesty's Secretary of State for the Colonies, for the Regulation of the Sale or Grant of Lands in that Province.

COPY of all the ORDERS of the Lieutenant-Governor in Council, and of the Lieutenant-Governor in Upper Canada, for the Regulation of the Location or Grant of Lands in that Province in force on the 1st January 1835, and Copies of every Order in Council in that Province respecting the same up to the 1st of August 1836.

RETURN of all the PATENTS for Grants of Lands from the Crown in Upper Canada, between the 1st April and 1st August 1836; stating the Names of the Persons to whom Granted; the quantity of Lands and the Township and County in which such Land is situated; the date of the Petition or other Application for such Land, and the date of Location, with the Terms and Conditions of the same; also, the dates of the Patents issued for such Lands; stating also, the several Payments made in Money, or by Note or other Security, distinguishing what part has been paid in Money or otherwise; and also the Amount of Fees paid for the same.

COPY of the INSTRUCTIONS or ORDERS in COUNCIL from His Majesty's Secretary of State sent to Upper Canada, under which the Surrender by the Indians of their Lands were made to His Majesty; the Number of Acres of Land surrendered since 1820; stating the date of each Surrender, and the Terms or Conditions of each Surrender.

COPY of the ORDERS in COUNCIL of the Lieutenant-Governor in Council, or Orders by the Lieutenant-Governor, for the Acceptance of such Surrender from the Indians, and for the subsequent Sale or Grant of the same; stating also the Number of Grants, and the quantity of Land so Granted; the Number of Sales, and the quantity of Land so Sold; together with the Amount of Money received for the same, and the Amount of the Purchase-money remaining due and unpaid, and the Nature of the Security for the same.

Colonial Office, Downing-street, }
25 April 1837.

G. GREY.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
3 May 1837.

[*Price 1 s. 3d.*]

No. 1.
Regulations of the
Land Granting
Department.

in Council of the 8th November, acquaints the House that, whilst it has been found necessary to check a description of traffic that conveys to speculators in land a great proportion of the rights of U. E. loyalists to free grants, and retards the settlement of particular townships, the interests of the U. E. loyalists and their descendants, and militia claimants, have in every respect been consulted, in the provisions of the Order in Council adverted to; in conformity to which, U. E. loyalists may receive patent deeds for their grants, either by residing on their land, or by improving them, without actual residence; or they may obtain the full value of the lots assigned to them, by authorising the commissioner of Crown lands to dispose of them at his public sales.

The Lieutenant-governor requests the attention of the House to the instructions issued to the commissioner of Crown lands during the last two years, and to the accompanying forms of location tickets, Nos. 1, 2, 3, attached to the general regulations of 1789, on which free grants of land have been made; and also to those issued by the surveyor-general since the Order of 1818, for the performance of settlement duties, has been rescinded.

Government House, 12 December 1833.

DOCUMENTS accompanying the Message of His Excellency the Lieutenant-Governor on the subject of Granting Lands to U. E. Loyalists and others.

Schedule of Documents transmitted to the House of Assembly, with the Lieutenant-Governor's Message of the 12th December 1833.

From the Executive Council Office, marked (A).

Schedule.

1. Rules and regulations for the land department, dated at Quebec, 17 February 1789, with three forms of location tickets.
2. Additional rules and regulations for the land department, dated at Quebec, 25 August 1789.
3. Second addition to the rules and regulations for the land department, dated at Quebec, 20 January 1790.
4. Third addition to the rules and regulations for the land department, dated at Quebec, 20 January 1790.
5. Extracts from the rules and regulations for the land department, dated at Quebec, 20 January 1790.
6. Extract from the proceedings in council at Quebec, on Monday, the 9th November 1789, respecting lands to the sons and daughters of U. E. loyalists.
7. Proclamation of Lieutenant-governor Simcoe to such as are desirous to settle on the waste lands of the Crown, dated at Quebec, 7 February 1792.
8. Proclamation of Mr. President Russel of the 15th December 1798. Loyalists and their children to consider themselves entitled to receive 200 acres of land free from expense, &c.
9. Extract from the minutes in council of the 20th October 1818, respecting settlement duties.
10. Rules and regulations for the land boards, by order in council, 13 March 1819.
11. Order in council, 19th January 1820, with respect to the lands to be located by the militia who served during the late war.
12. Rules and regulations for granting of land, by order in council, 21 November 1825.
13. Extracts from the minutes in council, 14 May 1830, respecting an alteration in the location ticket to discharged soldiers.
14. Copy of the minutes in council, 2 June 1831, when the general order from the Horse Guards was read, bearing date 24 February 1831.
15. Copy of the minutes in council, 16 November 1831, when the general order from the Horse Guards was read, bearing date 1 August 1831.
16. Copy of the minutes in council, 13 September 1832, when the order from the Admiralty-office was read, bearing date 3 March 1832.
17. Extract from the minutes in council, 24 May 1832, respecting settlement duties.
18. Minute in council respecting lands to the children of U. E. loyalists and other privileged claimants, dated 8 November 1833.

From Surveyor-General's Office, marked (B).

1. Orders in council, commencing 14 October 1818.
2. Reference of the Lieutenant-governor and order in council, 20 November 1830, regarding settlement duties.
3. Lieutenant-governor's letter, 27 September 1833, requesting quarterly lists of townships proposed for location, &c.
4. Order in council, 24 May 1832, regarding locations and settlement duties.
5. Letter from the Lieutenant-governor, 15 October 1833, touching certain instructions regarding lands to military claimants, and likewise alluding to the sale of U. E. rights, and an order in council thereon.

From the Commissioner of Crown Lands' Office, marked (C).

No. 1.
Regulations of the
Land-Granting
Department.

1. Lord Goderich to Sir John Colborne, respecting the disposal of Crown lands, dated Downing-street, 7 March 1831.
2. Regulations for granting lands in the British North American provinces, Colonial-office, February 1831.
3. Regulations respecting officers purchasing land, dated Horse Guards, 1 August 1831.
4. On the subject of the claims of U. E. loyalists to land, by letter from Colonel Rowan, to the commissioner of Crown lands, dated York, 25 October 1832.
5. Letter from Edward M'Mahon to the commissioner of Crown lands, respecting the claims of U. E. loyalists to free grants, and the locations of officers of the army and navy, dated York, 13 November 1832.
6. Letter from the commissioner of Crown lands to Colonel Rowan, on the subject of locating U. E. loyalists, dated York, 20 November 1832.
7. Letter from Colonel Rowan to the commissioner of Crown lands, on the subject of locating U. E. loyalists, dated York, 21 November 1832.
8. Letter from the commissioner of Crown lands to Colonel Rowan, on the subject of locating U. E. loyalists, dated York, 6 April 1833.
9. Forms of the certificates given to purchasers at the public sales of Crown lands.
10. Schedule of the townships in which lands have been offered for sale in 1833, and the upset prices.

From the Lieutenant-Governor's Office, marked (D.)

1. Copy of a circular despatch from the Secretary of State for the Colonies to the Lieutenant-Governor, dated Downing-street, 31 August 1831.
2. Extracts of a despatch from the Secretary of State for the Colonies to the Lieutenant governor, dated Downing-street, 31 October 1831.
3. Extracts of a despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 21 November 1831.
4. Extracts of a despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 1 February 1832.
5. Extracts of a despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 1 January 1833.
6. Copy of a despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 1 July 1833.

(A.)

(1.)—RULES and Regulations for the conduct of the Land-Office Department.

Council Chamber, Quebec, 17 February 1789.

1. Every board appointed or to be appointed by the Governor in any part of the province, for the more easy accommodation of persons desirous of forming immediate settlements on the waste lands of the Crown, shall consist of not less than three members, and if composed of more, any three of them shall be a quorum for the business intrusted to the whole board. Rules and Regulations for conduct of Land-Granting Department.
2. Every such board shall be empowered to receive applications for grants of parcels of the waste lands of the Crown, within the extent of their trust, until the first day of May, in the year 1791, when the authority shall be determined, unless continued by a new appointment; every such application shall be by petition to the Governor in council, stating the quantity, and the situation of the land prayed for, and the merits and pretensions of the petitioners. And all His Majesty's good and faithful subjects, and all others worthy of being admitted as such, shall be considered as proper objects of his bounty and grace, and within the sphere of this trust.
3. It shall be the duty of every such board to hold stated and periodical meetings, made publicly known, to give free and easy access to petitioners, and to examine into their loyalty, character and pretensions, and upon these and all points requisite to take sufficient and satisfactory proofs by affidavit, deposition or otherwise; and, to avoid discontents, all petitions and applications shall be taken up in the order of their being preferred, where there is no special cause for a different course of proceeding.
4. The safety and propriety of admitting the petitioner to become an inhabitant of this province being well ascertained to the satisfaction of the board, they shall administer to every such person the oaths of fidelity and allegiance directed by law; after which the board shall give every such petitioner a certificate to the surveyor-general, or any person authorised to act as an agent, or deputy-surveyor for the district within the trust of the board, expressing the ground of the petitioner's admission. And such agent or deputy-surveyor shall, within two days after the presentment of the certificate, assign the petitioner a single lot of about 200 acres, describing the same with due certainty and accuracy, under his signature. But the said certificate shall nevertheless have no effect, if the petitioner shall not enter upon the location and begin the improvement and cultivation thereof within one year from the date of such assignment, or if the petitioner shall have had lands assigned to him before that time in any other part of the province.

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5. Every such board shall, at the end of every three months, or as soon after as opportunity offers, transmit to the office of the Governor's secretary, the petitions of that period, and a copy of the certificates given thereon; and when a petition contains a request for a greater quantity of land than the surveyor-general and his agents or deputy-surveyors are authorised, by the fourth and seventh articles of these regulations, to assign, upon certificates given by the said boards, they shall report the ground of such claim and pretensions, the consideration of which is reserved to the Governor and council; the board transmitting with the petitions of every period, a list expressing the names of the petitioners and the date of their certificates, and the quantum of the locations.

6. The boards shall, from time to time, forward like lists to each other every three months, or as soon after as opportunity offers.

7. The respective boards shall, on petitions from loyalists already settled in the upper districts, for further allotments of land under the instructions to the deputy-surveyor-general of the 2d of June 1787, or under prior or other orders, for assigning portions to their families, examine into the ground of such requests and claims, and being well satisfied of the justice thereof, they shall grant certificates for such further quantities of land, as the said instructions and orders may warrant, to the acting surveyors of their districts respectively, to be by them made effectual in the manner before mentioned; but to be void nevertheless, if prior to the passing the grant in form it shall appear to the Government that such additional locations have been obtained by fraud. And, that of these, the boards transmit to the office of the Governor's secretary, and to each other, like reports and lists as hereinbefore as to other locations directed.

8. And to prevent individuals from monopolizing such spots as contain mines, minerals, fossils, and conveniences for mills, and other singular advantages of a common and public nature, to the prejudice of the general interest of the settlers, the surveyor-general and his agents, or deputy-surveyors in the different districts, shall confine themselves in the locations to be made by them upon certificates of the respective boards, to such lands only as are fit for the common purposes of husbandry, and they shall reserve all other spots aforementioned, together with all such as may be fit and useful for ports and harbours, or works of defence, or such as contain valuable timber for ship-building or other purposes, conveniently situated for water carriage, in the hands of the Crown.

And they shall, without delay, give full and particular information to the Governor or commander-in-chief for the time being, of all such spots as are hereinbefore directed to be reserved to the Crown, that order may be taken respecting the same.

And the more effectually to prevent abuses, and to put individuals on their guard in this respect, any certificate of location given contrary to the true intent and meaning of this regulation is hereby declared to be null and void, and a special order of the Governor and council made necessary to pledge the faith of Government for granting of any such spots as are directed to be reserved.

9. The surveyor-general's office, for the purpose of combining the strength of the settlers and rendering them mutually assistant to each other, shall lay out the tracts or townships to be granted as nearly contiguous to each other as the nature of the country will permit; exercising all due care to give them certainty in the descriptions of their boundaries and locations, observing in each township to lay out town-plots, glebes, and other spaces for public uses, and certain equal portions at the corners thereof, to remain unlocated by any certificates to be given to individuals, by the authority of either of the boards above mentioned, the grant of such portions of every township so to remain to the Crown, being reserved to the future consideration of the Governor and council, or as His Majesty shall be pleased to command respecting the same.

10. The dimensions of every inland township shall be ten miles square; and such as are situated upon a navigable river or water shall have a front of nine miles, and be twelve miles in depth; and they shall be laid out and subdivided respectively in the following manner, viz: *

And the surveyor-general's office shall prepare accurate plans according to the above particulars, which shall be filed in the council-office, to be followed as a general model, subject to such deviations respecting the site of the town and direction of the roads as local circumstances may render more eligible for the general convenience of the settlers; but in every such case, it shall be the duty of the surveyor-general, and his agents or deputy-surveyors, to report the reasons for such deviation to the Governor, or commander-in-chief for the time being, with all convenient speed.

11. The surveyor-general's office shall prepare a plan of each district of the province, exhibiting thereon every tract granted under certificate of location, and there shall be added to it from time to time all tracts hereafter to be pledged, or promised, or granted; and as often as a petition shall have the proper sanction for the patent therein prayed for, the surveyor-general shall without delay file in the council-office his returns of survey, with such clear description of the tract as shall enable the attorney-general to prepare the draft of the patent or grant intended to be engrossed for the great seal.

12. The clerk of the council shall put the same returns of survey into the hands of the attorney-general, who shall return them with his draft of the patent into the office of the Governor's secretary, to be there stayed, or thence issued, as the Governor may see cause to direct.

13. The

* The detail for the subdivision of townships above alluded to, referring to the diagrams to be filed in the Council-office, is omitted.

13. The surveyor-general's office shall consult the best means and give correspondent orders to its deputies for preventing unnecessary expense in the surveys, the Crown's interest requiring that the patentee receive no more, nor any other tract, than it shall appear from the patent to be the intention of the Governor to grant him, and the patentee having cause to be contented if the descriptive words in his grant shall enable him to locate and discover with due certainty what tract he is to take; and it being manifest that after such actual surveys as shall be requisite to ascertain any particular township or tract, the description of another contiguous thereto, or depending thereon, will not require any field work previous to the grant thereof—all subsequent grants in contiguity and succession, properly described in the returns of survey, being connected with or dependent upon the accurate description and ascertainment of the first tract surveyed.

14. The committee of the council for reporting upon petitions for lands shall lay aside all such as contain no specific quantity or location of lands desired, and from time to time cause a notification of such imperfect petitions to be published in the Quebec Gazette.

15. The faith of Government being to be considered as pledged to all such as have acquired or shall in future acquire certificates of occupation in due course, the surveyor-general's office shall form a schedule of all lots under such certificates in any part of the province, specifying the petitioners' names, the quantum of the location, the place where, and the date, and a copy thereof shall be lodged in the office of the Governor's secretary, another in the office of the clerk of the council, and a copy shall be sent to each of the boards in the different parts of the province, and the like practice shall be continued as to all subsequent certificates, at the end of every three months.

16. And to the intent that there may be as little trouble and as much expedition as possible, with a saving of all unnecessary expense in obtaining grants and patents, and more especially to favour the loyalists and other settlers remote from the capital of the province, the secretary shall from time to time notify in the Gazette all such applications for lands as are so far advanced as to be ready for the great seal.

ORDERED,—That all the boards and officers of the land-granting department govern themselves according to the foregoing rules and regulations; and that the clerk of the council cause the same to be printed, and transmit copies thereof to the different boards, to be made public in their respective districts, and to all the officers concerned.

By his Excellency's commands,

J. Williams.

Town.

No.

Certificate of the board appointed by his Excellency the Lieutenant-governor for the district of _____ in the province of Upper Canada, under the rules and regulations for the conduct of the land-office department, dated Council Chamber, Quebec, 17th February 1789.

The bearer, _____ having on _____ day of _____ preferred to this board a petition, addressed to His Excellency the Lieutenant-governor in council, for a grant of _____ in the township of _____ in the district of _____ We have examined into his loyalty and character, and find him duly qualified; we hereby assign to him the town-lot, No. _____ which he is hereby authorised to occupy and improve; and having improved the same according to the ninth article of additional rules and regulations hereunto subjoined, he shall receive a grant of the said _____ to him and his heirs, or devisees, in due form, on such terms and conditions as it shall please His Majesty to ordain. And all persons are desired to take notice, that this assignment, and all others of a similar nature, are not transferable by purchase, donation or otherwise, on any pretence whatever, except by an act under the signature of the board for the district in which the lands are situated, which is to be endorsed upon this certificate.

Given at _____ this _____ day of _____ one thousand seven hundred and _____

EXTRACT from the Additional Rules and Regulations for the conduct of the Land-Office Department, dated Council Chamber, Quebec, 25th August 1789.

IX. The boards shall not issue any certificate for more than one town-lot of one acre, or one town-lot and one town-park of twenty-four acres together, to the same person (being the head of a family) and this only upon condition of his building a dwelling-house on such town-lot and occupying the same, within the space of one year from the date of the certificate. And in cases of competition the boards are to give the preference to such applicants, for whose trades and occupations the respective lots, on account of their situation near the water, or otherwise, may be best calculated; and to such sober and industrious mechanics whose trades are most necessary to the convenience of the township in general. And the boards are to be particularly careful to discountenance frivolous applications, and not to authorise any transfers of unimproved town-lots and town-parks, which only tend to create a mischievous monopoly of the ground. Nor shall any town-parks be granted separately from town-lots, the former being intended for the convenience of the settlers upon the latter; and a failure in the condition upon which the town-lots are granted shall operate the forfeiture of both.

Additional Rules
and Regulations for
conduct of Land-
Office Department.

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Department.

Certificate for
Family Lands, &c.

Family Lands and Additional Bounty.

No.
Certificate of the board appointed by his Excellency the Lieutenant-governor for the district of _____ in the province of Upper Canada, under the rules and regulations for the conduct of the land-office department, dated council-chamber, Quebec, 17th February 1789. The bearer _____ having on the _____ day of _____ preferred to this board a petition addressed to his Excellency the Lieutenant-governor in council for a grant of _____ acres of land in the township of _____ in the district of _____. We have examined into his character and pretensions, and find that he has received _____ acres as a _____ and that he is settled on, and has improved the same, and that he is entitled to a further assignment of _____ acres, in conformity to the seventh article of the rules and regulations aforementioned.

Given at the Board at _____ this _____ day of _____ one thousand seven hundred and _____

To _____ Acting Surveyor-general.

Certificate of the Acting Surveyor.

Surveyor's
Certificate.

I assign to the bearer _____ the Lot No. _____ in the township of _____ in the district of _____ containing _____ acres _____ chains.

Which lot he is hereby authorised to occupy and improve; and having improved the same, he shall receive a grant thereof to him and his heirs or devisees in due form, on such terms and conditions as it shall please His Majesty to ordain. And all persons are desired to take notice, that this assignment, and all others of a similar nature, are not transferable by purchase, donation, or otherwise, on any pretence whatever, except by an act under the signature of the board for the district in which the lands are situated, which is to be endorsed upon this certificate.

Given at _____ this _____ day of _____ one thousand seven hundred and _____
Acting Surveyor for _____ the district of _____

EXTRACT from the Rules and Regulations for the conduct of the Land-office Department, dated Council Chamber, 17th February 1789.

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tions for the con-
duct of Land-
office Department.

IV. The safety and propriety of admitting the petitioner to become an inhabitant of this province being well ascertained to the satisfaction of the board, they shall administer to every such person the oaths of fidelity and allegiance directed by law; after which, the board shall give every such petitioner a certificate to the surveyor-general, or any person authorised to act as an agent or deputy-surveyor for the district within the trust of that board, expressing the ground of the petitioner's admission: and such agent or deputy-surveyor shall, within two days after the presentment of the certificate, assign the petitioner a single lot of about 200 acres, describing the same with due certainty and accuracy, under his signature; but the said certificate shall nevertheless have no effect, if the petitioner shall not enter upon the location and begin the improvement and cultivation thereof within one year from the date of such assignment, or if the petitioner shall have had lands assigned to him before that time in any other part of the province.

VII. The respective boards shall, on petitions from loyalists already settled in the upper districts for further allotments of land under the instructions to the deputy-surveyor-general of the 2d June 1787, or under prior or other orders for assigning portions to their families, examine into the grounds of such requests and claims, and, being well satisfied of the justice thereof, they shall grant certificates for such further quantities of land as the said instructions and orders may warrant, to the acting surveyors of their districts respectively, to be by them made effectual in the manner before mentioned, but to avoid, nevertheless, if, prior to the passing the grant in form, it shall appear to the Government that such additional locations have been obtained by fraud; and that of these, the boards transmit to the office of the Governor's secretary, and to each other, like reports and lists as hereinbefore, as to other locations, directed.

VIII. And to prevent individuals from monopolizing such spots as contain mines, minerals, fossils, and conveniences for mills and other singular advantages of a common or public nature, to the prejudice of the general interests of the settlers, the surveyor-general and his agents, or deputy-surveyors in different districts, shall confine themselves in the locations to be made by them upon certificates of the respective boards, to such lands only as are fit for the common purposes of husbandry, and they shall reserve all other spots aforementioned, together with all such as may be fit and useful for ports and harbours, or works of defence, or such as contain valuable timber for ship-building, or other purposes, conveniently situated for water carriage, in the hands of the Crown.

And they shall, without delay, give full and particular information to the Governor, or commander-in-chief for the time being, of all such spots as are hereinbefore directed to be reserved to the Crown, that order may be taken respecting the same.

And the more effectually to prevent abuses, and to put individuals on their guard in this respect, any certificate of location given contrary to the true intent and meaning of this regulation, is hereby declared to be null and void, and a special order of the Governor and council made necessary to pledge the faith of Government for granting of such spots as are directed to be reserved.

2.)—ADDITIONAL Rules and Regulations for the conduct of the Land-office Department. Regulations of the Land-Granting Department.

Council-chamber, Quebec, 25th August 1789.

I. WHEREAS there is reason to apprehend that delays and abuses have arisen in the land-granting department, on account of the distance of the surveyor-general's office from its agents or deputy-surveyors, in various parts of the province, and that some of the said surveyors have, in divers instances, attempted to dispose of the waste lands of the Crown without authority, under pretext of executing the King's instructions to the Governor, relative to the allotments of lands to be made to disbanded troops, and under other colours and pretences: It is therefore hereby ordered and directed, that all surveyors employed by the Government, under instructions from the surveyor-general's office for making surveys and allotments of the waste lands of the Crown, in any part of the province, forthwith make reports to the land-boards of the respective districts, of all allotments made by them (the said surveyors) specifying their authority, that individuals, conceiving themselves secured in the possession of such unauthorised locations as are aforementioned, may be apprised of the error. And the boards are to keep a vigilant eye over all encroachments by individuals upon the waste lands of the Crown, under pretext of such unauthorised locations, or otherwise; communicating such full information as may be requisite for discriminating the case of deceived and incautious settlers, from other intruders, that those who may reasonably expect the favour of Government may receive such indulgences as their cases may be found to require.

Additional Rules and Regulations for the conduct of Land-office Department.

II. No allotment whatever shall henceforth be made by any of the said surveyors, except by the written authority, directions or certificate of the respective boards. And as often as such certificate or authority of the board shall come to the hands of the surveyor, to whom the same is directed, it shall be his duty to locate the tract therein mentioned, and give his certificate of location to the intended grantee, at the foot or on the back of the authority of the board accordingly.

And as often as an order of the Governor in council issues for a grant of lands to be made, the clerk of the council shall transmit a copy thereof to the board of the district in which the lands to be granted are situated, to enable the board to give the authority before directed, for the tract being located by the surveyor.

III. The boards are to take care that the orders contained in the tenth article of the rules and regulations for the conduct of the land-office department, of the 17th of February last, relative to the dimensions and subdivision of townships, be duly executed by the different surveyors; and for this purpose, the said orders are here inserted at length for the information and guidance of the board, viz:

The dimensions of every inland township shall be ten miles square, and such as are situated upon a navigable river or water shall have a front of nine miles, and to be 12 miles in depth.

The town-plot in every township shall be one mile square. In an inland township, it shall be situated in the centre thereof; and in a township upon a navigable river or water, it shall be in the centre of the front bordering upon the river or water.

Every town lot shall contain one acre, more or less.

Every town park shall contain 24 acres, more or less.

Every farm lot shall contain 200 acres, more or less.

There shall be a public square or parade in the centre of the town, containing four acres, more or less. (G.)

There shall be four more public squares or parades of the like extent, at equal and convenient distances from the centre. (G.)

A square of four acres, more or less, shall be reserved on each side of the centre square, for places of Divine worship, one parsonage-house, one school-house, a court or town-house, a prison, and a poor or work-house. (B.) (C.) (D.) (E.)

A square of four acres, more or less, shall be reserved at each of the four corners of the town-plot, for a common burying ground, hospital, &c. (F.)

Four squares of four acres each, more or less, shall be reserved for market-places, at the four extremities of the town, in a line with, and at equal distances from the four corners. (H.)

The eight principal streets leading from the centre square, shall be 96 feet wide. All other streets shall be 60 feet wide. All the squares shall be open at the angles or corners.

An area of half a mile, more or less, in depth, surrounding the town, shall be reserved for works of defence if necessary, or such other disposition as shall be thought proper at a future period. (A.)

The town-parks shall adjoin and surround the area just mentioned, and shall be 280 feet in number in every inland township, and 218 in number in every township situated upon a navigable river or water.

One town-park shall be reserved for a minister, and one for a school-master, adjoining each other. (I.) (K.)

The remainder of the township shall be laid out in farm lots, the number of which, in every inland township, is to be 252, and in every township situated upon a navigable river or water, 300.

Note.—The letters in the margin refer to the plans above mentioned.

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(A.)

Two farm lots shall be reserved for a minister, and one for a school-master, situated behind the town-parks, to be reserved for them respectively, and in that division of the farm lots which is nearest the town,

In each of the four corners of every inland township, eight farm lots adjoining each other shall be reserved in the hands of the Crown.

In each of the four corners of every township, situated upon a navigable river or water, 10 farm lots, adjoining each other, shall be reserved in the hands of the Crown.

The roads in every township shall be 60 feet wide.

And all streets and roads are to intersect each other at right angles, at the distances and in the directions laid down in the approved plans, filed in the council-office, according to the foregoing particulars, copies of which are to be transmitted to each of the boards for their more ample information.

IV. And, inasmuch as local circumstances may sometimes render a deviation from the foregoing orders, respecting the site of the town, and the directions of the roads, more eligible for the general convenience of the settlers, the boards are hereby authorised to direct such deviations therefrom in the said particulars as the circumstances may require; but the surveyors shall, on no pretence whatever, make any deviation from the general orders in these or any other respects, but by the written authority of the boards.

And it shall be the duty of the boards, in every such case, to report the reasons for their act to the Governor or Commander-in-chief for the time being, with all convenient speed.

V. For the exercise of due caution in the ordering of any such deviations from the general models respecting the sites of towns and the directions of roads, as may be authorised by the boards under the preceding article, it shall be the duty of the boards, as often as one or more new townships are to be laid out, to call in the magistrates, the officers of the militia, and other intelligent planters of the vicinity thereof, or the district at large, as the importance of the case may require, to assist in their deliberations respecting the aforesaid particulars; the majority of whom, and the members of the board present, shall determine the necessity of the deviation proposed, and the proper spot for the town, and the proper directions of the roads in every such township, and the board shall thereupon proceed to authorise and report the same, as directed in the preceding article.

VI. With respect to all townships laid out prior, and not according to the foregoing regulations (many of which townships are now considerably advanced in their settlements), the boards are, nevertheless, to deliberate and fix upon the proper sites for towns, town-parks, glebes for a minister, and school-master, and the directions of the roads in the manner directed in the preceding article.

If the choice shall fall upon lands already located in due form, the consent of the occupants or rightful claimants must first be obtained, by an agreement between them and the inhabitants of the township in general; to facilitate which, the boards are hereby authorised to give them, severally, certificates directed to one of the acting surveyors of their district, for as many acres of the vacant lands of the Crown, in that or any other township, as they shall have relinquished their claims to, by the agreement so made.

VII. As often as the complete execution of the directions, contained in the third article of these regulations, shall be prevented by reason of the necessary space for that purpose being already under promises of grants to individuals, who may be unwilling to relinquish their claims to the same, the boards are to observe the following order, in providing spaces for the general convenience of the township, viz.

1. One or more place or places for the public worship of God.
2. A common burying ground.
3. One parsonage-house.
4. A common school-house.
5. A town-park for one minister.
6. A town-park for one school-master, common to the town.
7. A glebe for one minister.
8. A glebe for one school-master, common to the town.
9. The court or town-house.
10. The prison.
11. The poor or work-house.
12. A market-place.

Proceeding therein, and in the other off-sets pointed out in the third article of these regulations, as far as circumstances may permit.

VIII. As often as the settlements of the farm-lots in a township are sufficiently advanced, in the opinion of the boards, to render the distribution of the town-lots useful for the establishment of mechanics, and the erection of a church, parsonage, and school-house, &c.; the boards are to order the surveyor to lay out the town lots and number the same; after which the boards are to receive applications, and, upon due examination of the character and pretensions of the petitioners, to issue to them certificates for such lots, in the usual manner.

IX. The boards shall not issue any certificate for more than one town-lot of one acre, or one town-lot and one town-park of 24 acres together, to the same person (being the head of a family), and this only upon the condition of his building a dwelling house on such town-lot, and occupying the same, within the space of one year from the date of the certificate; and in cases of competition, the boards are to give the preference to such applicants, for whose trades and occupations the respective lots, on account of their situation near the water, or otherwise,

otherwise, may be best calculated; and to such sober and industrious mechanics whose trades are most necessary to the convenience of the township in general; and the boards are to be particularly careful to discountenance frivolous applications, and not to authorize any transfers of unimproved town-lots and town-parks, which only tend to create a mischievous monopoly of the ground; nor shall any town-parks be granted separately from town-lots, the former being intended for the convenience of the settlers upon the latter; and a failure in the condition upon which the town-lots are granted, shall operate in the forfeiture of both.

X. Nothing contained in the foregoing rules and regulations shall be construed to prevent the surveyor-general, or deputy surveyor-general, from the execution of their duty and instructions, in whatever part of the province either of them may be present; nor to extend to the abolition, relaxation, or restriction of the accustomed chain of duty or official intercourse between the surveyor-general's-office and its agents or deputy-surveyors respectively, in any part of the province.

By command of his Excellency the Governor,

J. Williams.

(3.)

At the Council Chamber at Quebec, on Wednesday, 20th January 1790.

Present, His Excellency Lord Dorchester, Governor; the Hon. William Smith, Esq., Chief Justice; the Hon. Hugh Finlay; the Hon. Edward Harrison; the Hon. John Collins; the Hon. J. G. C. Delery; George Pownall, Esq., Henry Caldwell, Esq., William Grant, Esq., Charles De Lanaudiere, Esq., Le Cte. Dupre, Esq.

WHEREAS there was this day read at the board the following draft of regulations, recommended by a committee of the whole council, in their report dated the 12th instant, on a report of the land committee, dated the 4th December 1789; viz.

Second Addition to the Rules and Regulations for the conduct of the Land-office Department.

Whereas the establishment of a uniform, clear, and expeditious course of proceeding in the land-granting department, the late measures for settling the waste lands of the Crown considered, as important to the interests of the Crown as well as the subject, particularly as the means of preventing uneasiness that may arise on a question of so delicate a nature as the extent of the promised faith of Government on the one hand, and the security of the settler or occupant claiming lands on the other; It is therefore ordered:

I. That the several boards which are or hereafter may be constituted by the government, for the disposal of the waste lands of the Crown, in any part of the province, keep a regular journal of their transactions, prefixing to every day's entries the date and the names of the members present.

Second addition to the Rules and Regulations for the conduct of Land-office Department.

II. That the minute, upon every petition, express the name and prayer of the petitioner, and show the nature of the proof exhibited in support of his pretensions, and the determination thereon.

III. That all orders or instructions given to the boards, be entered at large on their minutes, for preserving a complete record, both of their authorities and proceedings.

IV. That a full and fair copy of such journals be transmitted every three months or oftener, as the case may require, to the office of the governor's secretary, under the signature of three or more members of the board, together with all the petitions therein reported upon, whether granted, rejected or recommended.

V. That the copies of the said journal or minutes be accompanied, or followed, by regular returns of the locations made from time to time, by the acting surveyors of the respective districts, under the authority of the boards, expressing the name of the grantee, the number of acres located, the number of the lots, and the name of the township, and the date of the certificate or authority of the board under which the location was made.

VI. That all reports, journals, writings and papers of any kind whatever touching the business of the land-office department, and coming to the council-office, as the proper deposit, be kept by the clerk of the council separate from all the other books, writings and papers in his office, and that they be so disposed of as to make a resort to them at all times as easy and satisfactory as possible; and that whenever the mass of the land-office papers shall be so greatly increased as to embarrass the daily ordinary researches, they be put up into boxes of convenient sizes, numbered, and that there be a book kept for an alphabetical index, showing in the readiest manner the contents of each box, and that every paper be marked with the number of the box, to the end that it may be restored to its proper place, and confusion be thereby avoided; and it is committed to the land-committee for the time being to superintend the execution of the latter part of this order, and to report what may be done thereon, for directing such further course as the case may require.

And it is also ordered, that the said book or index be always open to public access in the council-office, and a copy ready for the call of any committee of the council, and especially of the land-committee, together with such additions as may be thereunto made by the increase of the number of boxes.

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Department.

His Lordship, taking the said regulations into consideration, was pleased, with the advice of the council, to approve the same, and to order, as it is hereby ordered, that they be duly and punctually complied with and carried into execution, whereof the different land-office boards, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

J. Williams, C. C.

(4.)

At the Council Chamber, at Quebec, on Wednesday, the 20th January 1790.

Present, His Excellency Lord Dorchester, Governor; the Hon. William Smith, Esq., Chief Justice; the Hon. Hugh Finlay; the Hon. Edward Harrison; the Hon. John Collins the Hon. J. G. C. Delery; George Pownall, Esq., Henry Caldwell, Esq., William Grant, Esq., Charles De Lanaudiere, Esq., Le Cte. Dupre, Esq.

WHEREAS there was this day read at the board the following draft of regulations recommended by a committee of the whole council, in their report, dated the 12th instant, on a report of the land committee, dated the 4th of December 1789; viz.

Third Addition to the Rules and Regulations for the conduct of the Land-office Department.

Whereas it is expedient, on account of the remoteness of the new districts and the variety of other duties, which require the attention of the surveyor-general's office at Quebec, to relieve that office from the burden of executing the order of the Governor in council of the 22d October 1788, for putting certain reduced officers upon an equal footing with those of the late 84th regiment, and to render that labour more easy, by dividing it among the land-office boards in the several districts, where, on account of the residence of the persons concerned, their pretensions may be investigated with accuracy and dispatch, provided a proper course be prescribed to the boards for enabling them, with due certainty, to discriminate the proper objects of the intended bounty of the Government; It is therefore ordered:

Third addition to
Rules and Regula-
tions, &c.

I. That all proceedings by the surveyor-general's office, for executing the aforementioned order of the Governor in council of the 22d October 1788, be discontinued; that the period for admitting claims under that order be extended to the 1st day of May in the year 1791; and that all applications for lands, in consequence thereof, be made to the respective boards which are or hereafter may be appointed by the Governor in any part of the province, in the usual form of petitions to the Governor in council.

II. That upon the receipt of all such applications, the boards investigate the grounds of the pretensions of the petitioners, requiring for that purpose satisfactory proof, by documents, affidavits or otherwise, carried as high as the nature of the case may admit to the following points; viz.

(a) Whether the petitioner, as a reduced officer, was entitled to and has received any lands under the King's instructions of 1783.

(b) Whether, and how far, he has improved the same, so as to render him a proper object of the order.

(c) What quantity of lands he has already received, whether on account of his rank or his family, or by the additional bounty of 1787, or in any other way whatever; and what further quantity he is entitled to, after deducting the tracts already granted to him, under all or any of the foregoing descriptions, in order to receive, upon the whole, an equal number of acres with officers of the same rank of the late 84th regiment.

III. These and all other points requisite being ascertained, the boards are to locate the number of acres to which they shall think the petitioner entitled, as nearly as may be, according to the prayer of the petition, conforming themselves nevertheless to the directions contained in the 8th, 9th, 10th, 11th and 13th articles of the rules and regulations of the 17th of February, and the second, third and all the following articles of the additional rules and regulations of the 25th of August last, all which, as far as they regard the surveyor-general's office, shall be executed by the acting surveyors of the respective districts under the superintendence and orders of the boards.

IV. That as often as any competitions arise, by a diversity of applications or otherwise, for one and the same tract, the boards shall endeavour amicably to adjust the same among the parties interested, and, on failure thereof, they shall hear the different competitors in support of their claims, and decide between them with due impartiality, according to the merits of the case, and where there is no equitable ground of preference to either, the issue shall be determined by lot.

V. That the boards make full and distinct reports upon all the foregoing particulars, annexing copies of the proofs exhibited to them as often as their nature may permit, declaring themselves satisfied therewith, and concluding with a recommendation of the petitioner for a grant of the specific number of acres located by them, to which, under all or any of the considerations aforementioned, and which of them in particular they shall think him justly entitled.

VI. That all such reports be made by the respective boards at the end of every three months or oftener, to the office of the Governor's secretary, by the transmission of a fair copy

copy of the minutes of their proceedings during that period, under the signature of three or more members of the board, together with the petitions reported upon, whether rejected or recommended, subject to the final approbation, disallowance or order of the Governor in council upon every such case; after the receipt of which approbation or order the boards are hereby authorised to pledge the faith of Government to the respective petitioners, for the grants of the tracts therein to be specified, by issuing certificates of occupation to them under their signature, agreeable to such form as the Governor shall be pleased to direct.

VII. The boards are to take due care that a sufficient space of country be always previously laid out for comprehending all locations, which, in their judgment, may probably be ordered from time to time, under these or any other orders or instructions, in townships contiguous to each other, and according to the general rules and regulations, in such parts of their respective districts as contain vacant lands of the Crown, the settlement of which shall have been approved of, upon their timely representations to the Governor, to whom they are likewise to state all doubts and difficulties which may occur, with their opinion of the proper course for removing them, that there may be no obstruction to the industry, ease, and comfort of the loyalists.

His Lordship, taking the said regulations into consideration, was pleased, with the advice of the council, to approve the same, and to order, as it is hereby ordered, that they be duly and punctually complied with and carried into execution, whereof the different land-office boards, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

J. Williams, C. C.

No. 1.
Regulations of the
Land Granting
Department.

(5.)—EXTRACTS from the Rules and Regulations for the Land Department, dated at Quebec, the 20th of January 1790.

At a Council holden at Quebec, on Wednesday, the 20th January 1790.

Present, His Excellency Lord Dorchester, Governor; the Honourable William Smith, Esq., Chief Justice; the Hon. Hugh Finlay; the Hon. Edward Harrison; the Hon. John Collins; the Hon. J. G. C. Delery; G. Pownall, Esq., H. Caldwell, Esq., William Grant, Esq., Charles de Lanaudiere, Esq., Le Cte. Dupre, Esq.

Extracts from Rules
and Regulations
relating to Land
Department.

WHEREAS there was this day read at the board the following extract from a report of the committee of the whole council, respecting the schedules of locations in Lunenburg and Mecklenburg; viz.

Read a letter from his Lordship, by Mr. Secretary Motz, with its enclosures, in these words:

Sir,

Quebec, 9 January 1790.

The 42d article of the royal instructions of the 23d of August 1786, requiring that all persons applying for lands shall take the oaths directed by law and subscribe the declaration mentioned in the said article, I have it in command to signify Lord Dorchester's desire that the committee of the whole council, to whom was referred the report of the land committee on the schedules of locations exhibited by the surveyor-general's office, cause inquiry to be made whether the proper records be extant of all or any of the persons therein mentioned, having taken and subscribed the said oaths and declarations, and that they report to his Lordship whether it may not be advisable, on transmitting the said schedules to the respective boards, to direct them to take course for completing the record of the signatures of all landholders in the respective districts; if it shall be found defective, that nothing may be neglected to clear the way for the loyalists being put into possession of legal titles for their lands, agreeable to His Majesty's expected instructions, as soon as they shall arrive.

His Lordship also commands me to transmit to you divers extracts from public letters, as connected with the general subject of your deliberations upon the present reference, and to signify his desire that the committee make it a part of their report in what way their contents may best subserve the end of giving comfort and tranquillity to the loyalists, and encouraging and strengthening the western settlements and frontiers.

I am, &c.

The Hon. William Smith, Esq.

Henry Motz.

President to the Hon. His Majesty's Council for the Province of Quebec.

EXTRACT of a Letter from the Right Hon. Lord North, one of His Majesty's Principal Secretaries of State, to his Excellency Governor Haldimand, dated Whitehall, 24 July 1783.

AND as a part of that instruction directs that all persons whatever, upon their application for lands, besides taking the usual oaths as directed by law, shall make and subscribe a declaration acknowledging His Majesty in Parliament to be the supreme Legislature of the province, I think it necessary to observe to you that the declaration, however general, cannot extend to taxation, Parliament having, by the Act of the 18th of His present Majesty, intituled, "An Act for removing all doubts and apprehension concerning Taxation by the

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Parliament of Great Britain, in the Colonies, Provinces and Plantations in North America and the West Indies, &c." in the most express terms restrained itself from ever imposing any taxes or duties in the colonies, except for the regulation of trade; the produce of which taxes or duties to be disposed of by the provincial assemblies; such being the case, it was judged not only unnecessary, but implying some doubt of the sincerity of Parliament, to make any exception in the declaration; the exception being already made by Parliament itself, in a manner so solemn and effectual, that nothing can add to the security the subjects in the colonies derive under it. These observations you will naturally make a proper use of, should any objection be made to the declaration or the construction of it; and I doubt not but the necessity of guarding against disaffected persons becoming settlers in Quebec will convince His Majesty's loyal subjects of the propriety of that test, by which they cannot be affected or deprived of any indulgence or encouragement, to which they are so justly entitled.

(A true Extract.)

(signed) *F. H.*

(A true Copy.)

(signed) *Henry Motz.*

EXTRACT of a Letter from the Right Hon. Lord *Sidney*, one of His Majesty's Principal Secretaries of State, to the Right Hon. Lord *Dorchester*, dated Whitehall, 3 September 1788.

YOUR Lordship will, however, understand that it is the King's intention that the new settlers in that part of the province*, who now hold their lands upon certificates of occupation, shall at all events be placed upon the same footing, in all respects, as their brethren in Nova Scotia and New Brunswick, by having their lands granted to them in free and common soccage, with a remission of quit rents for the first 10 years.

(A true Extract.)

Henry Motz.

On the communication from his Lordship in the letter to the chairman, the committee put several questions to the deputy surveyor-general, who reported,

That he believes all persons holding under occupation the certificates issued prior to November 1787, did subscribe the declaration, as well as take the oaths by His Majesty's instructions required; but as to what has been done since that period, under the conduct of the land boards and his country agents and deputies, he can give the committee no certain information, but he supposes it may be obtained by the aid of those boards.

Resolved thereon to be the opinion of the committee,

1. That the several land boards be desired to make the proper inquiries, and to take course for exacting a compliance with the royal instructions, from all persons holding or to hold in future, under occupation certificates, and that they return a list into the office of the clerk of the council, of such as have neglected or shall refuse such compliance, that the grants of title may be suspended as to such as shall wilfully make default.

2. To the intent of informing the settlers of the benevolent design and true use of the royal requisitions, as well as to convince them of the solidity of the plighted faith of Government, and the manner of preserving the evidence of it, it is expedient that there be transmitted to each of the land boards (to be made known in their districts) a copy not only of the report of the land committee, but of the present report thereon.

Signed by order, 12th January 1790.

William Smith, Chairman.

His Lordship, taking the said extract into consideration, was pleased with the advice of the council, to approve of the resolves of the committee of the whole council therein contained, and to order, as it is hereby ordered, that the same be duly and punctually complied with, and carried into execution; whereof the different land-office boards, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

J. Williams, C. C.

(6.)—EXTRACT from the Proceedings in Council at Quebec, on Monday, 9 November 1789.

Present, his Excellency the Right Hon. Lord *Dorchester*; the Hon. William Smith, Esq., Chief Justice; Hugh Finlay, Thomas Dunn, Edward Harrison, John Collins, Adam Mabane, J. G. C. Delery, George Pownall, William Grant, Francis Baby, Henry Caldwell, C. De Lanaudiere, and Le Cte. Dupre, Esqrs.

His Lordship intimated to the council that it remained a question, upon the late regulations for the disposition of the waste lands of the Crown, whether the board constituted for that

* Meaning the districts west of Point au Baudet.

that purpose were authorized to make locations to the sons of loyalists, on their coming to full age, and that it was his wish to put a mark of honour upon the families who had adhered to the unity of the empire, and joined the royal standard in America before the treaty of separation in the year 1783.

The council concurring with his Lordship, it is accordingly ordered, that the several land boards take course for preserving a registry of the names of all persons falling under the description aforementioned, to the end that their posterity may be discriminated from future settlers, in the parish registers and rolls of the militia of their respective districts, and other public remembrancers of the province, as proper objects, by their persevering in the fidelity and conduct so honourable to their ancestors, for distinguished benefits and privileges.

And it was also ordered, that the said land boards may, in every such case, provide not only for the sons of those loyalists, as they arrive at full age, but for their daughters also of that age, or on their marriage, assigning to each a lot of 200 acres, more or less, provided nevertheless that they respectively comply with the general regulations, and that it shall satisfactorily appear that there has been no fault in the due cultivation and improvement of the lands already assigned to the head of the family of which they are members.

Executive Council Office, York, Upper Canada, Monday, 4th November 1833: truly extracted from what is called in this office "The Quebec Book."

John Beikie, Clerk Executive Council.

(7.)—A PROCLAMATION to such as are desirous to settle on the Lands of the Crown in Province of Upper Canada, by his Excellency *John Graves Simcoe*, Esq., Lieutenant-governor and Commander-in-chief of the said Province, and Colonel commanding His Majesty's Forces, &c. &c. &c.

BE it known to all concerned, that His Majesty hath, by his royal commission and instructions to the Governor, and in his absence, to the Lieutenant-governor, or person administering the government for the time being of the said province of Upper Canada, given authority and command to grant the lands of the Crown in the same by patent under the great seal thereof; and it being expedient to publish and declare the royal intention respecting such grants and patents, I do accordingly hereby make known the terms of grant and settlement to be:

Proclamation to
Persons settling on
Crown Lands.

1. That the Crown lands to be granted be parcel of township; if an inland township, of 10 miles square, and if a township on navigable waters, of nine miles in front and 12 miles in depth, be run out and marked by His Majesty's surveyor, or deputy-surveyor-general, or under his sanction or authority.

2. That only such part of the township be granted as shall remain after a reservation of one-seventh part thereof for the support of a Protestant clergy, and one other seventh part thereof for the future disposition of the Crown.

3. That no farm lot shall be granted to any one person which shall contain more than 200 acres; yet the Governor, Lieutenant-governor or person administering the government, is allowed and permitted to grant to any person or persons such further quantity of land as they may desire, not exceeding 1,000 acres over and above what may have been before granted to them.

4. That every petitioner for lands make it appear that he or she is in a condition to cultivate and improve the same, and shall, besides taking the usual oaths, subscribe a declaration (before proper persons to be for that purpose appointed) of the tenor of the words following, viz. "I, A. B. do promise and declare that I will maintain and defend, to the utmost of my power, the authority of the King in his Parliament as the supreme Legislature of this province."

5. That applications for grants be made by petition to the Governor, Lieutenant-governor or person administering the government for the time being, and where it is advisable to grant the prayer thereof a warrant shall issue to the proper officer for a survey thereof, returnable within six months with a plot annexed, and be followed with a patent granting the same, if desired, in free and common soccage, upon the terms and conditions in the royal instructions expressed and hereinafter suggested.

6. That all grants reserve to the Crown all coals, commonly called sea coals, and mines of gold, silver, copper, tin, iron and lead; and each patent contain a clause for the reservation of timber for the royal navy, of the tenor following: "And provided also, that no part of the tract or parcel of land hereby granted to the said and his heirs, be within any reservation heretofore made and marked for us, our heirs and successors, by our surveyor-general of woods, or his lawful deputy; in which case, this our grant for such part of the land, hereby given and granted to the said and his heirs for ever as aforesaid, and which shall upon survey thereof being made be found within any such reservation, shall be null and void, anything herein contained to the contrary notwithstanding."

7. That the two sevenths reserved for the Crown's future disposition, and the support of a Protestant clergy, be not severed tracts, each of one seventh part of the township, but such lots or farms therein as the surveyor-general's return of the survey of the township, shall be described as set apart for these purposes, between the other farms of which the

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said township shall consist, to the intent that the lands to be reserved may be nearly of the like value with an equal quantity of the other parts to be granted out as aforementioned.

8. That the respective patentees are to take the estates granted to them severally free of quit-rent and of any other expenses than such fees as are or may be allowed to be demanded and received by the different officers concerned in passing the patent and recording the same, to be stated in a table authorized and established by the government, and publicly fixed up in the several offices of the clerk of the council of the surveyor-general, and of the secretary of the province.

9. That every patent be entered upon record within six months from the date thereof, in the secretary's or register's office, and a docket thereof in the auditor's office.

10. Whenever it shall be thought advisable to grant any given quantity to one person of 1,000 acres or under, and the same cannot be found by reason of the said reservations and prior grants within the township in the petition expressed, the same or what shall be requisite to make up to such person the quantity advised, shall be located to him in some other township, upon a new petition for that purpose to be preferred.

And of the said several regulations all persons concerned are to take notice, and govern themselves accordingly.

Given under my hand and seal, in the city of Quebec, the 7th day of February, in the 32d year of His Majesty's reign, and in the year of our Lord 1792.

John Graves Simcoe.

By his Excellency's command,

Thomas Talbot, Acting Secretary.

(8.)—PROCLAMATION.

Peter Russell, Esq., President, administering the Government of Upper Canada.

Proclamation
relating to U. E.
Loyalists.

WHEREAS by letters received from his Grace the Duke of Portland, one of His Majesty's Principal Secretaries of State, since the issuing the proclamation of the 31st of October last, it appears that in consequence of a representation made by the Executive Government of this province to His Majesty's Ministers on the exemption of the U. E. loyalists and their children from every expense attending the grants of land made or to be made to them, His Majesty has been graciously pleased to signify his royal pleasure that the first loyalists, and their sons and daughters, shall continue to receive His Majesty's bounty of 200 acres each as heretofore, free from any expense whatever. And that it is to be understood that this mark of the royal munificence is expressly confined to those loyalists only who were actually resident in the province on or before the 28th of July last.

Be it therefore known, that, notwithstanding what has been declared to the contrary in the proclamation aforesaid, all loyalists coming within the above description, whose names have been enrolled upon the U. E. lists previous to the date of this proclamation, and their sons and daughters when of age or married, to whom the King's bounty in lands has not been already extended, may continue to consider themselves entitled to receive from this Government 200 acres of land, free from the payment of fees and all other charges; but that, except to the extent allowed by His Majesty's instructions, neither U. E. loyalists nor their children, can be considered as exempted from the standing fees, it having been ordered that they shall be annexed to every further grant of land, to them as well as to others, be its extent what it may.

Given under my hand and seal at arms, in council at York, this 15th day of December, in the 39th year of His Majesty's reign, and in the year of our Lord 1798.

Peter Russell.

By command of the President in Council,

John Small, c. e. c.

(9.)—EXTRACT from the MINUTES in COUNCIL, of 20th October 1818.

Extract relating to
Land Department.

IT is ordered, That no grant of land will issue in future to persons of any description until a satisfactory certificate is filed in the Surveyor-General's Office, that a habitable house is erected on some part of the land to be granted, and a sufficient clearing thereon under fence, in the proportion of five acres per 100.

(Truly extracted.)

John Beikie, Clerk Executive Council.

(10.)—RULES and REGULATIONS for the LAND BOARDS, by Order in Council,
13 March 1819.

(Circular.)

Sir,

Executive Council Office, York,

18 .

I HAVE received the commands of his Excellency the Lieutenant-governor to transmit to you copy of an order in council, constituting a land board, of which his Excellency has been pleased to appoint you a member.

By the same command, I inclose for your information copy of a letter from his Excellency's private secretary to Major Rogers, being an answer to certain queries proposed by him as a member of the board in the Newcastle district, and also the form of a certificate of location.

I have, &c.

Rules and Regula-
tions for Land
Boards.

COPY of a LETTER to *D. M'Gregor Rogers, Esq.*, Chairman of the Land Board,
Newcastle District.

Sir,

Lieutenant-governor's Office, April 26th, 1819.

I AM directed by his Excellency the Lieutenant-governor to reply to your letter of the 15th instant, in explanation of those particular points on which you, in the name of the land board of the Newcastle district, solicit more precise information than that contained in the instructions transmitted to you by the clerk of the executive council.

In the first place,—With regard to such other persons besides emigrants as the board may be authorized to grant locations to, I am to explain to you, that by such "other persons," are to be understood such able settlers as resided in the district before the late war, and produce due certificates of having done their duty in its defence.

Secondly,—With regard to military claimants. No military claimant, as such, is referred to the board: being to receive their lands gratuitously in the military settlement, any dispensation of that sort must be approved on application to the lieutenant-governor in council.

Thirdly,—The sons and daughters of U. E. loyalists being entitled to gratuitous grants of 200 acres, must apply to the lieutenant-governor in council.

Fourthly,—Persons arriving from the United States, and bringing due certificates of their being British born subjects, are admissible by the board.

Fifthly,—A form of ticket of location will be transmitted to the chairman of the board, in which will be specified the conditions of settlement.

Sixthly,—His Excellency is of opinion that the presence of the chairman is not necessary at every meeting of the board: any three of the members constitute a board, and may proceed to act accordingly.

Seventhly,—The settler should be thoroughly instructed, that in the event of his finding any improvement on the lot to which he may be located, he is immediately to return with his ticket of location to the board, and report the circumstance for the information of the government. Should he fail in this particular, he can expect no confirmation of the grant to him. In this case the board will appoint him another location.

Eighthly,—With regard to the difficulty that may be experienced by the settler in finding his particular lot; his Excellency bids me observe, that in order to remunerate the person who might be employed to point it out to him, the settler must be burthened with another fee; and as in the case of persons located by the surveyor-general's office no such precaution is practised, his Excellency does not perceive the necessity of the regulation.

I am, &c.

(signed) *George Hillier*, Private Secretary.

Form of Location Ticket.

Land Board

District.

A. B. born at [place] in [country] of the age of years, having arrived in this province [date] and petitioned to become a settler therein, has been examined by us, and we being satisfied with his character, and of the propriety of admitting him to become a settler, and having administered to him the oath of allegiance, do assign to him 100 acres of land, being the half of lot No. in the concession of [township] in [district,] for which, upon due proof of having cleared and cropped five acres, and cleared half the road in front of his land, of having erected and inhabited a house thereon for one year, he will be entitled to receive a grant to him and his heirs, he paying the patent fee of 5 *l.* 14 *s.* 1 *d.* sterling.

N. B. If the settlement duty is not performed within two years, this location to be of no value, but assigned to another settler.

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Department.

Executive Council Chamber, 13 March 1819.

Present,

His Excellency Sir *Peregrine Maitland*, K. C. B., Lieutenant-governor in Council.

WHEREAS great inconvenience accrues to emigrants desirous to become settlers in this province, from the necessity of presenting themselves at York, before they can obtain a location on the waste lands of the Crown; for remedy thereof, his Excellency the Lieutenant-governor, by and with the advice and consent of the executive council, is pleased to appoint in each of the districts certain persons to form a board, with power to locate any emigrant or other person desirous to become a settler in the respective district, on a lot of 100 acres within the same, under such limitations, restrictions and rules as from time to time may be made for the government of the said boards by any order in council.

The land board in the

district to consist of

Rules and Regulations.

THE boards will assemble one day at least in each week, of which public notice shall be given in the district.

They shall examine every applicant, and minute his place of birth, age and time of coming into the province; shall receive and minute a declaration that he has not before received any land from the Crown within it.

Whereupon being satisfied as to his character and the propriety of admitting him to become a settler, the board shall administer to him the oath of allegiance, and deliver to him a certificate to that effect, signed by two members at least, and having entered his name in the township plan, shall, at the foot of the said certificate, assign to such settler the said lot, and deliver the certificate with such assignment, in order that upon the production thereof, with proof of having performed the settlement duties, he may receive a patent grant of the land.

To which purpose the surveyor-general shall furnish the boards with plans of each township, showing the lots therein unlocated.

After the deposit of such plans with the board, no location to be made thereon by the surveyor-general, until he shall have received, on special reference, a certificate from the board that no settler is located thereon.

In case of any apparent occupation or improvement made on a lot vacant on the plan, no location to be made thereon without further order from the surveyor-general.

The land boards may appoint a clerk to preserve a minute of their proceedings and countersign their certificates, upon delivery of which he may receive from the applicant the sum of 7 s. 6 d.

(11.)—ORDER IN COUNCIL, 19th of January 1820, with respect to the Lands to be located by the Militia, who served during the late War.

Executive Council Office, York, 19th January 1820.

Orders Respecting
the Location of
Militia Claimants.

It having been suggested to his Excellency the Lieutenant-governor that a general permission to locate on the waste lands of the Crown would be more acceptable to the militia, than setting apart for that purpose a particular tract in each district, as heretofore intended: Notice is hereby given, that the militia who served during the late war with the United States of America, in the first Flank Companies, in the Provincial Artillery, in the Incorporated Regiment, in the Corps of Artillery Drivers, in the Provincial Dragoons, in the Marine and General Staff of the Militia, will upon due certificate of their respective service from the adjutant-general, receive tickets of location from the surveyor-general for the portion of land ordered by His Royal Highness the Prince Regent, and, upon due proof of having performed the settlement duty, will receive patent grants.

N.B. By express command of His Royal Highness the Prince Regent, the patents will be gratuitous, but the settlement duty in no case dispensed with.

By order of his Excellency the Lieutenant-governor in council.

John Small, Clerk Executive Council.

Militia General Orders.

Adjutant-general's Office, York, 21 January 1820.

THE attention of officers commanding regiments of militia is called to the order in council of the 19th instant, herewith inclosed, declaring the gracious intention of His Royal Highness the Prince Regent of making grants of land to the officers, non-commissioned officers and privates of the different corps therein recited.

All officers, non-commissioned officers and privates of the militia, &c. comprehended in the description contained in the order in council above referred to, will be required to submit their claims for his Royal Highness's bounty to the adjutant-general, who, on
being

being satisfied of their correctness, will give to each party concerned a certificate thereof, which will be an authority to the surveyor-general to locate him.

The application of officers on the general staff of the militia should be accompanied by a copy of the general order, notifying their appointment, as should also those of the field officers of the incorporated battalions.

The applications of captains and regimental staff officers should be supported by certificates agreeably to the form A. Those of officers of companies, non-commissioned officers, drummers and privates, by certificates according to the form B.

In order to prevent confusion or disappointment to the claimants, the applications from officers on the general staff and incorporated battalion should be presented at the office of the adjutant-general, between the 25th February and the 24th May inclusive; those from the flank companies between the 25th May and the 24th September; and from the marine and remaining corps, between the 25th September and 24th December 1820.

All applications which are not received in time to be taken into consideration with those of the classes they respectively belong to, will be taken up after the last-named day.

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Certificate A.

I do hereby certify that _____ commanded a flank company of the _____ regiment of _____ militia, employed in actual service between the _____ and the _____ (or acted as adjutant, quarter-master, pay-master, surgeon, &c., as the case may be.)

Witness my hand this _____ day of _____ 182 _____

Colonel, or Senior Surviving Officer.

Certificate B.

I do hereby certify that _____ actually served as _____ in the _____ company of the _____ regiment of _____, (as the case may be) then com-
manded by _____, between the _____ and the _____ 182 _____

Witness my hand this _____ day of _____ 182 _____

Captain, or Senior Surviving Officer of the Company.

I certify the above to be correct, according to the best of my knowledge and belief.

_____, Colonel, or Senior Surviving Officer of the Regiment of _____

* * * All applications must be made on or before the 24th February 1821.

By command of his Excellency the Lieutenant-governor,

N. Coffin, Colonel, Adj. Gen. Militia, U. C.

(12.)—RULES and Regulations for granting of Lands by Order in Council, 21st November 1825.

In Council, 21 November 1825.

For the information of persons arriving in Upper Canada as settlers, the following summary of the rules which His Majesty's Government has thought fit to lay down for the future regulation of grants of land in the province, in conformity to the system which has recently been adopted with respect to other colonies of His Majesty, has been prepared in conformity to instructions from Earl Bathurst.

Rules and Reguia-
tions for the grant-
ing of Lands.

1. A valuation will be forthwith made of the lands throughout the colony, and average prices will be struck for each district.

2. All the lands in the colony, not hitherto granted and appropriated for public purposes, will be offered for sale at the average prices thus fixed.

3. All persons proposing to purchase lands must transmit a written application to the Government, through the office of the surveyor-general, in a certain prescribed form, which will be delivered to the party applying, by the surveyor-general, or by an officer to be appointed by him for that purpose, in the several districts, on payment of a fee of 2 s. 6 d.

4. All correspondence with the Government, respecting grants of land, must take place through the same office.

5. The purchase money is to be paid by four quarterly, or five annual, instalments, as the party applying may desire, but in the latter case legal interest shall be charged, and shall be payable annually from the time of making the agreement. A discount of 10 per cent. will be allowed for ready-money payments.

6. On payment of the money, a grant will be made in fee simple to the purchaser, at the expense of the Crown, with the usual reservations of mines and minerals, and of white pine timber.

7. The largest quantity of land which will be sold to any individual is 10,000 acres, and when put up to sale, it will be offered in such tracts, not less than 100 acres, as may be directed. Persons wishing more extensive purchases must apply in writing through the

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Lieutenant-governor in council, to His Majesty's Principal Secretary of State for the Colonies, with full explanations of their objects and means.

8. Lands may also be obtained without purchase, but upon different conditions.
9. Persons desirous to acquire lands without purchasing, will make their application to the Government in writing, through the surveyor-general's office, in a prescribed form, copies of which will be furnished by the surveyor-general upon payment of 2 s. 6 d.

10. The largest grant that will be made without purchase is 1,200 acres, the smallest 100 acres.

11. No grant will be made to any person without purchase, unless the Government is satisfied that the grantee has both the power and the intention of expending in the cultivation of lands a capital equal to half the estimated value, or, in case the grant do not exceed 200 acres, that he intends to reside upon and improve the same.

12. A quit rent of 5 l. per cent. per annum upon the estimated value, will be fixed upon the land granted without purchase.

13. The quit rent will be redeemable within the first 25 years next following the grant, on payment of a sum equal to 20 times the annual amount of it.

14. Until the expiration of the first seven years next succeeding each grant, without purchase, no quit rent will become due upon the lands comprised in it.

15. Every grantee, without purchase, must, at the expiration of the before-mentioned term of seven years, prove to the satisfaction of the Lieutenant-governor in council that he has expended in the cultivation and improvement of his land, a capital equal to half its value, as that value was estimated at the time of his grant, or in case the grant shall not exceed 200 acres, that he has during that time resided on and improved his land: on failure of such proof, his claim to the land shall be forfeited, and the same may be granted to another applicant. It is to be understood, however, that if at any time within that period the condition of expenditure and cultivation shall have been complied with, the patent may immediately issue.

16. No additional grant of land will be made to any person who has not proved, as last mentioned, the necessary expenditure of capital on the lands already granted to him.

17. Persons receiving a grant of land, without purchase, will become liable to pay a quit rent upon the land comprised in such second grant immediately from the date of it.

18. Persons desirous to receive grants of land, without purchase, on terms different from those above stated, must lay before the Lieutenant-governor in council a full explanation, in writing, of the circumstances which they may conceive to exempt them from the fair operation of these general rules.

19. U. E. loyalists, and other persons, entitled to gratuitous grants by the general regulation of His Majesty's Government, are not to be affected by these rules.

The above rules to take effect from the 1st of January 1826.

By order of His Excellency the Lieutenant-governor.

John Small, Clerk Executive Council.

(13.)—EXTRACT from the Minutes in Council, 14th May 1830, respecting an alteration in the Location Ticket to Discharged Soldiers.

THE following form of a location ticket for grants of land to discharged soldiers, was laid before the board, with his Excellency the Lieutenant-governor's remarks thereon.

Location Ticket.

(Not transferable.)

Location Ticket for discharged Soldiers.	Under the authority of an order in council of the	day of	18
	granting unto	of the township of	in the district of
	acres of land, I do hereby assign to the said	in the township of	
	in the county of	in the district of	containing
	subject to the settling duties required by an order in council of the	that is to	acres,
	say, to clear and fence five acres for every 100 acres granted; to build a dwelling house of		
	16 feet by 20; and to clear one-half of the road in front of each lot; and to file a certificate		
	of the due performance of the same within two years; and after having been actually		
	resident on said lot five years from the date of this ticket, the locatee will be entitled to		
	receive from the Crown a patent for the same.		

Lieutenant-governor's Remarks.

That soldiers who receive grants of land may not be induced to sell their location tickets, it is proposed to make this alteration in the location ticket specified above.

The council fully concur in the alteration suggested by his Excellency.

(Truly extracted.)

John Beikie, Clerk Executive Council.

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Department.

(14.)—COPY of the Minutes in Council, 2d June 1831, when the General Order from the Horse Guards was read, bearing date 24th February 1831.

(Copy.)

Executive Council Chamber, at York, Thursday, 2d June 1831.

Present.

The Hon. James Baby, Presiding Councillor; The Hon. Peter Robinson; The Hon. George H. Markland; The Hon. Joseph Wells.

Documents relating
to Grants of Land
to Military Settlers.

Read the following letter, with its inclosures.

Sir,

Government House, 1st June 1831.

I HAVE the honour, by the direction of the Lieutenant-governor, to forward for the information of the honourable executive council the enclosed communication from the Secretary of State for the Colonies, respecting grants of land to military settlers in the North American provinces.

I have, &c.

The Hon. The Presiding Councillor,
&c. &c. &c.

Z. Mudge, Secretary.

(Circular.)

(Duplicate.)

Sir,

Downing-street, 6th March 1831.

I HAVE the honour to transmit to you the copy of a general order which has been issued 24th February 1831, by direction of the general commanding-in-chief, regulating the sale of land in the Australian colonies to military settlers, and to acquaint your lordship that it is intended to introduce a similar regulation, with reference to grants of land to military settlers in the North American provinces.

I have, &c.

Major General Sir John Colborne,
&c. &c. &c.

(signed) Goderich.

General Order.

Horse Guards, 24 February 1831.

His Majesty's Government having deemed it expedient to substitute new regulations for those at present in force, concerning the system of granting land in the Australian colonies, and under which no land will, in future, be disposed of otherwise than by public sale, it has become necessary to make a corresponding change in the arrangements which have hitherto been in force with respect to the military settlers, and which have been published to the army, in the General Orders, dated 8th June 1826, 16th May 1827, and 24th August 1827.

His Majesty has accordingly been graciously pleased to declare that all the advantages held out to the officers of the army under those orders, as far as relates to the sale of commissions, shall continue and remain in force. And with a view that each individual officer may derive the same benefit from an allotment of land as has been held out in the said orders respectively, His Majesty has been pleased to command, that the following regulations shall be promulgated for the information and guidance of officers who may be disposed to become settlers in New South Wales and Van Diemen's Land, in substitution for those contained in the General Orders above referred to.

The officers of the army wishing to become settlers, shall, like all other individuals, procure lands by purchase at the public sales, but they will be entitled to a remission of the purchase money to the following amount, provided they shall produce testimonials of unexceptionable character from the general commanding-in-chief.

Officers who have served 20 years and upwards, shall have a remission of 300 *l*.

Officers who have served 15 years and upwards, 250 *l*.

Officers who have served 10 years and upwards, 200 *l*.

Officers who have served seven years and less than 10, at 150 *l*.

Each individual officer who may obtain this remission will be required to give security that he and his family shall reside at least seven years in the settlement. And he will also be required to provide for his own passage to the colony, as well as for that of his family.

By command of the Right Honourable the General Commanding-in-chief.

(signed) John Macdonald, Adjutant-general.

(A True Copy.)

John Beikie, Clerk Executive Council.

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Department.

(15.)—COPY of the Minutes in Council, 16th November 1831, when the General Order from the Horse Guards was read, bearing date 1st August 1831.

(Copy.)

Executive Council Chamber at York,
Wednesday, 16 November 1831.

Present,

Documents relating
to Grants of Land
to Military Officers.His Excellency Sir John Colborne, K. C. B., Lieutenant Governor; The Hon. James Baby,
The Hon. Peter Robinson, The Hon. George H. Markland, The Hon. Joseph Wells.

His Excellency was pleased to lay before the council the following despatch, with its inclosure, from Lord Goderich.

(Circular.)

Sir,

Downing-street, 31 August 1831.

As I have deemed it advisable that all lands should be indiscriminately offered for public competition, it is not intended to continue the practice which has hitherto prevailed, of making grants of land to officers on the half-pay of the army or navy, or to those who have disposed of their commissions under the provisions of the General Order of July 1829, for the purpose of settling in one of the North American Provinces.

I therefore propose that in future, instead of making grants of land to officers, a certain sum shall be remitted from the price of that which they may purchase, proportioned to the rank and length of service of the officer.

The General Order of the 1st instant has been framed accordingly, and you will give the necessary orders to the commissioner of Crown lands to carry these regulations into effect, with regard to officers who may arrive in the province subsequently to the receipt of this despatch.

I have, &c.

Major-General Sir John Colborne, K. C. B.
&c. &c. &c.

(signed) Goderich.

No. 504.

General Order.

Horse Guards, 1 August 1831.

HIS Majesty's Government having revised the regulations concerning the system of granting land in the British Colonies of North America and Australia, so as to ensure to the officers of the army wishing to become settlers, the combined advantages arising from rank and length of service;

The King is graciously pleased to declare, that officers purchasing land according to the regulations established in the respective colonies, shall, in proportion to their rank and services, be entitled to a remission of the purchase money according to the following graduated scale, on producing testimonials of unexceptionable character, from the general commanding-in-chief:—

Field officers of 25 years' service and upwards, in the whole, 300 *l*.Field officers of 20 years' service and upwards, in the whole, 250 *l*.Field officers of 15 years' service or less, in the whole, 200 *l*.Captains of 20 years' service and upwards, in the whole, 200 *l*.Captains of 15 years' service or less, in the whole, 150 *l*.Subalterns of 20 years' service and upwards, in the whole, 150 *l*.Subalterns of seven years' service or less, in the whole, 100 *l*.

In all other respects, the regulations promulgated to the army, in the General Orders of 8th June 1826, 16th May 1827, 24th August 1827, 18th July 1829 and 24th February 1831, remain in force.

By command of the Right Honourable the General Commanding-in-chief.

(signed) John Macdonald, Adjutant-general.

(A true Copy.)

John Beikie, Clerk Executive Council.

(16.)—COPY of the Minutes in Council, 13th September 1832, when the Order from the Admiralty Office was read, bearing date 3 March 1832.

(Copy.)

Executive Council Chamber at York,
Thursday, 13 September 1832.

Present,

Documents relating
to Grants of Land
to Naval Officers.The Hon. James Baby, Presiding Councillor, The Hon. and Venerable John Strachan, D.D.,
Archdeacon of York, The Hon. Peter Robinson, The Hon. Joseph Wells.

Read the following despatch with its inclosure.

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(Circular.)

Downing-street, 5 April 1832.

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Land Granting
Department.

Sir,

I am directed by Viscount Goderich to transmit to you herewith, for your information, a memorandum which has been issued by the Lords Commissioners of the Admiralty, explanatory of the regulations by which officers of the Royal Navy, who may proceed to British North America as settlers and become purchasers of land, will be entitled to a remission of the purchase money in proportion to their rank and length of service.

I have, &c.

Major-General Sir John Colborne,
&c. &c. &c.

(signed) Howick.

Memorandum.

Admiralty Office, 3 March 1832.

HIS Majesty's Government having revised the regulations concerning the system of granting land in the British Colonies of North America and Australia, so as to ensure to officers of the Army and Navy and Royal Marines, wishing to become settlers, the combined advantages arising from rank and length of service, the Lords Commissioners of the Admiralty hereby signify to the officers of the Royal Navy that the King has been graciously pleased to declare, that officers purchasing land according to the regulations established in the respective colonies shall, in proportion to their rank and length of service, be entitled to a remission of the purchase money, according to the following graduated scale, on producing a certificate of servitude from their Lordships' secretary:—

Commanders, and officers of the Royal Navy above that rank, and field-officers of Royal Marines, of 25 years' standing and upwards, in the whole, 300 *l*.

Commanders, and officers of the Royal Navy above that rank, and field-officers of Royal Marines, of 20 years' standing and upwards, in the whole, 250 *l*.

Commanders, and officers of the Royal Navy above that rank, and field-officers of Royal Marines, of 15 years' standing or less, in the whole, 200 *l*.

Lieutenants of the Royal Navy and warrant-officers ranking as such, and captains of Royal Marines, of 20 years' standing and upwards, in the whole, 200 *l*.

Lieutenants of the Royal Navy and warrant-officers ranking as such, and Captains of Royal Marines, of 15 years' standing or less, in the whole, 150 *l*.

Subalterns of Royal Marines, and assistant-surgeons of the Royal Navy, of 20 years' standing and upwards, in the whole, 150 *l*.

Subalterns of Royal Marines, and assistant-surgeons of the Royal Navy, of seven years' standing or less, in the whole, 100 *l*.

In all other respects, the regulations dated 11th August 1827 remain in force.

(signed) John Barrow.

(A true Copy.)

John Beikie, Clerk Executive Council.

(17).—EXTRACT from the Minutes in Council of the 24th May 1832, with respect to Settlement Duties.

THE Lieutenant-governor submitted to the council a proposal to cancel the present Orders in Council with respect to settlement duties, on the following grounds:

There are three classes to which the settlement duties now apply.

1. To officers receiving land under the last regulations, but as they purchase land at public sales, and residence or occupation of the land they may acquire is the condition of their being allowed to locate Crown lands, the performance of settlement duties should not be demanded in such cases.

2. Militia officers, non-commissioned officers and privates, who have served in the province, military claimants, free grants to individuals which may be sanctioned on particular occasions by His Majesty's Government.

3. Children of U. E. loyalists; these grants are confined to lots of 200 acres to each person claiming the right to receive land.

It is therefore proposed to cancel the present orders in council relating to settlement duties, and to dispense with settlement duties in future, but not to permit patents to be issued to individuals who may receive location tickets until it shall be ascertained by the surveyor-general or by the commissioner of Crown lands that a resident settler has been established on some part of the grant.

The council concur with his Excellency, and it is ordered, that the present orders in council relating to settlement duties shall be cancelled from this date, but that no patent shall be permitted to issue to individuals who may receive location tickets, until it shall be ascertained by the surveyor-general, or by the commissioner of Crown lands, that a resident settler has been established on some part of the grant.

Extracts from
Minutes in Council
relating to Settlement
Duties.

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Department.

It is however to be understood that these regulations shall not interfere with the order in council of the 14th May 1830, which applies exclusively to discharged soldiers and sailors, and in respect to whom the period of residence is hereby appointed to be three years instead of five, as prescribed by that order.

(Truly extracted.)

John Beikie, Clerk Executive Council.

Executive Council Office, York, 24 May 1832.

NOTICE is hereby given that the present orders in council relating to settlement duties are cancelled from this date; but that no patent shall be permitted to issue to individuals who may receive location tickets till it shall be ascertained by the surveyor-general or the commissioner of Crown lands, that a resident settler has been established on some part of the grant. It is, however, to be understood that these regulations shall not interfere with the order in council of 14th May 1830, which applies exclusively to discharged soldiers and sailors, and in respect to whom the period of residence is hereby appointed to be three years instead of five, as prescribed by that order.

By order of his Excellency the Lieutenant-governor in council.

John Beikie, Acting C. E. C.

(18.)—COPY of a Minute in Council, approved by his Excellency the Lieutenant-governor, respecting Lands to the Children of the U. E. Loyalists, and other privileged Claimants.

In Council, 8th November 1833.

Copy of Minutes
respecting Grants
of Land to U. E.'s.
and others.

It was the intention of the Government, in granting the privileges commonly called the U. E. rights, to confer upon the children of those brave men who during the American revolution adhered to the Crown, a lot of land on which they might comfortably reside, as a mark of distinction for their loyal services.

A similar munificent intention influenced the Government in directing free grants of land to certain classes of the militia who served meritoriously during the last war.

From numerous facts, it having become notorious to the council that the benevolent intentions of Government in favour of U. E. loyalists and other privileged claimants are daily frustrated, and the settlement of the province impeded by speculators acquiring by the purchase of their rights vast quantities of land which they are not disposed to part with but at the highest prices:

For remedy of these evils, and to put a final end to a traffic in itself so detrimental to the parties and to the colony,

It is ordered, that in future no such rights will be allowed, except on the condition of actual settlement by the parties found entitled, nor any deed issue unless they have been living on their land for the space of two years, except that such persons as are entitled to land under any of the rights aforesaid, who can satisfactorily prove to the Government the impossibility of their going upon the same, shall nevertheless be allowed to make their location, and receive a ticket from the Crown commissioner entitling them to the price at which the said land so located shall be sold at the public sales, and payable to them according to the usual conditions of such sale.

John Beikie, Clerk Executive Council.

COPY of a Minute in Council, approved by his Excellency the Lieutenant-governor.

In Council, 7th December 1833.

WITH reference to a communication from his Excellency the Lieutenant-governor, together with a letter from Mr. John S. Cartwright, on the subject of U. E. claimants, it is respectfully stated with regard to the first question;

That the council not having any power to interfere with locations already made, understand that the order of 8th November last shall take effect upon all claims of U. E. loyalists that have not been acted upon by the surveyor-general up to that period.

That the order was intended to affect U. E. and militia claimants.

That it does not prevent persons who are desirous of retaining the distinction in their family as intended by the King's Government, and who are residing in the province, from receiving their grants, subject to the order in council of the 24th May 1832, which requires that a resident settler be established on some part of the lot.

That a statement in the petition to the Lieutenant-governor in council, that the parties do not wish to retain the location in the family, and are unable, from being on a farm elsewhere, or from other causes, to occupy their grants, will be deemed sufficient, and entitle him or her to the produce of the lot, when sold by the commissioner of Crown lands.

John Beikie, Clerk Executive Council.

(B.)

ORDERS respecting SETTLEMENT DUTY.

In Council, 14th October 1818.

His Excellency the Lieutenant-governor in council was pleased to direct this public notice to be given, that no order for land will in future be made but on condition of actual settlement.

In Council, 20th October 1818.

It is ordered, that no grant of land will issue in future to persons of any description until a satisfactory certificate is filed in the surveyor-general's office, that a habitable house is erected on some part of the land to be granted, and a sufficient clearing thereon under fence in the proportion of five acres per 100.

In Council, 26th April 1819.

PENETANGUISHENE ROAD.

It being desirable to open the road to Penetanguishene, which commences on the north side of Kempenfeldt Bay, his Excellency in council is pleased to order that to such persons qualified to receive grants from the Crown as are able and willing to perform settlement duty, locations of 200 acres will be made, upon their undertaking to begin their settlement duty within one month after receiving the certificate of location, and continuing the same until a dwelling-house be erected, and 10 acres cleared adjacent to the road, and one-half the road in front of the location cleared also.

Ordered, That notice of the above order be published in the York Gazette.

In Council, 18th August 1819.

It is this day ordered, that all locations of land subject to settlement duty made prior to the 1st of this month, be rescinded, and the land otherwise disposed of, if within 12 months from this date, certificate of settlement duty being performed be not lodged with the surveyor-general, and the patent sued out within one month thereafter; and that all locations subject to settlement duty, made since the 1st of this month or hereafter to be made, will be rescinded, and the land otherwise disposed of, if certificate of settlement duty being performed be not lodged with the surveyor-general within 18 months of the date of the order for such location, and the patent sued out within one month thereafter.

Revised 25th August 1819.

In Council, 25th August 1819.

The order in council of the 18th instant, respecting locations subject to settling duties being revised,

It is ordered, that all locations of land subject to settlement duty, made prior to this date, be rescinded, and the land otherwise disposed of, if certificate of the settlement duty being performed be not lodged with the surveyor-general within the time limited within the ticket of location, and the patent sued out within three months thereafter; and that all locations subject to settlement duty hereafter to be made will be rescinded, and the land otherwise disposed of, if certificate of settlement being performed be not lodged with the surveyor-general within 18 months of the date of the order for such location, and the patent sued out within three months thereafter.

In Council, 30th September 1819.

Ordered, that in future the location ticket, with the surveyor-general's certificate thereon of settling duties being performed, and the usual receipts for the patent and surveying fees, and in privileged cases, certificates of exemption from fees, be sufficient authority in all cases to the attorney-general to issue his fiat to the surveyor-general, whose description shall be authority for the secretary of the province to prepare the patent grant.

In Council, 3d November 1819.

Ordered, that it be added in the location ticket to privileged persons, after the words "subject to the settling duties required by the order in council of the 20th October 1818, of five acres cleared and fenced," along the front adjacent to the road.

In Council, 14th December 1819.

Whereas it is desirable to alleviate the situation of poorer classes of settlers by an exemption from any charge on the patent deed, and also to remove all obstacles from the more free accommodation of others with larger grants than have been usually made, his Excellency the Lieutenant-governor in council has been pleased to order that the first-mentioned class of settlers may receive a gratuitous grant of 50 acres, under exclusion from any further grant from the Crown, but with liberty to lease the reserves.

To meet the above gratuity and increased burthen attending the purchase and distribution of land, &c., it is ordered that the scale of demands on the grant of the 100 acres and upwards shall be regulated according to the table, to take effect from the 1st of January 1820.

It is further ordered, that the restriction for sale for three years be abolished, and that deeds may issue on proper certificates of settlement duties being produced. The grantee

will be required to clear one-half of the road in front of each lot, and the depth of two and one-half chains from the road the whole length of every lot, and erect a dwelling-house.

No petition can be entertained unless accompanied by a written character, or a satisfactory reason shown for such not being produced.

(Copy.)

EXTRACT.

Lieutenant-governor's Office, 21 February 1820.

It having been represented that the settlement duty required by the order in council of the 14th December last is in many cases, from the difficulty of the ground and other circumstances, found too burthensome to the settler, his Excellency the Lieutenant-governor is pleased to direct that the clearing of half the road, and cutting down without clearing a chain in depth from the road along the front of each lot, shall be considered as part of the five acres per 100 required for settlement.

Truly extracted from letter to the chairman of the district land boards of the 21st February 1820.

(signed) *George Hillier.*

In Council, 6th March 1820.

His Excellency the Lieutenant-governor in council is pleased to direct that a location of 100 acres of land on the north side of the road through the Mohawk tract in the bay of Quinté, and on the north side of the road through the Long Woods, on the Thames, may be made to any person having an order in council for land, who will perform the ordinary settlement duty, and make and maintain the whole road in front of his respective lot.

Militia grants in such case will be exempt from all fees, and others will pay only the patent fee of 3 *l.* 5 *s.* 2 *d.* provincial currency.

The surveyor-general to lay off in the new townships, as they come in, four blocks in each township, from 300 to 600 acres each, for the better kind of settlers; also to transmit to the land boards plans of all lands surveyed within their respective districts, without exception.

No location, requiring settlement duty, to be confirmed by patent, without a certificate from the land board of the district in which such location may be situate, that the settlement duty has been *bonâ fide* performed within the time specified by the location ticket.

In Council, 22d March 1820.

Read an extract from a circular letter to the several land boards, dated Lieutenant-governor's office, 21st February 1820.

"It having been represented that the settlement duty required by the order in council of the 14th December last, is in many cases, from the difficulty of the ground and other circumstances, found too burthensome to the settler, his Excellency the Lieutenant-governor is pleased to direct that the clearing of half the road, and cutting down without clearing a chain in depth from the road along the front of each lot, shall be considered as part of the five acres per 100 required for settlement.

Recommended to be published from the Lieutenant-governor's office.

In Council, 9th August 1820.

Ordered, that lessees of Crown and clergy on the north side of the road through the Mohawk tract in the Bay of Quinté, and on the north side of the road through the Long Woods on the Thames, shall make and maintain the road in front of the said reserves, in the same manner as settlers who obtained grants on the north side of the said road in fee simple.

(Copy.)

With reference to the mode of performing settlement duties, to the frequent evasion of them, and to the doubts entertained by many settlers and experienced farmers of any great benefit arising, should they not be fully executed, the Lieutenant-governor suggests the necessity of rescinding the order in council of the 20th October 1818, and of framing another that may be more calculated to produce the improvement to the country expected to result from imposing the present settlement duties.

(signed) *J. C.*

(A true copy.)

John Beikie, Clerk Executive Council.

Executive Council Office, York, 20 Nov. 1830.

Notice is hereby given, by order of his Excellency the Lieutenant-governor in council, that in lieu of the settlement duties heretofore exacted, the following settlement duties shall be required in respect of all locations made after this date, viz.:

The locatee shall clear thoroughly the half of the road in width opposite to the front of his lot, by burning or totally removing all the timber, wood and underwood of every kind therefrom. He shall cut down the stumps for the space of 10 feet from the centre of the road,

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road, so low that a waggon wheel may easily pass over anything that stands within that space, and he shall sow with grass-seed the road so cleared.

Upon proof that this has been done, and that some person has been constantly resident upon the lot for the space of two years, a patent may issue without other condition of settlement duty. But in cases where the lot has not been so occupied, a patent shall not issue until the locatee, in addition to the road duties above prescribed, shall have wholly cleared the timber from the front of his lot for the space of one chain.

If proof of settlement duties, as above required, with or without residence, be not produced to the surveyor-general within two years and a half, the lot shall be again open to location.

It is further ordered, that the above regulation shall not interfere with the order in council of 14th May 1830, which applies exclusively to discharged soldiers, and in respect to whom the period of residence is hereby appointed to be three years instead of five, as prescribed by that order.

And further, that in respect to all locations made before this date, the grantee shall have the option of performing the settlement duties either according to this regulation, or to the regulations which were in force before the making of this order.

Lastly, it is ordered, that where a grantee has a grant of more than one lot in a township, and resides upon one of them, the settlement duties in respect to those lots on which he does not reside shall consist of the road duty, and the clearing the chain in front of the lot, as above mentioned.

John Small, C. E. C.

Location Ticket.

(Not transferable.)

Pursuant to a general order in council of the 19th January 1820, respecting militia grants, and under the certificate No. _____ of the adjutant-general of militia, in favour of _____ of the township of _____ in the county of _____ in the district of _____ as _____ I do hereby assign to the said _____ in the township of _____ in the county of _____ in the district of _____ containing _____ acres, subject to the conditions required by the annexed order in council of the 20th November 1830.

Given at the surveyor-general's office at York, U. C. this _____ day of _____ 183 .

No. of Certificate S. G. O. _____

(Copy.)

(3.)

Sir,

Government House, York, 27th September 1833.

I am directed to acquaint you that the Lieutenant-governor requests that a list of townships proposed to be opened for location may be transmitted to him on the 1st March and on the 1st September, with a report of any tract of ungranted land in an old township which may have been discovered during the preceding year, or of any tract of land appearing to be particularly valuable from its situation, as under such circumstances it will be necessary to prevent locations from being made until the decision of the lieutenant-governor has been ascertained respecting the disposal of the land.

I have, &c.

(signed) Wm. Rowan.

S. P. Hurd, Esq., Surveyor-general,
&c. &c.

(Copy.)

(4.)

COPY of a Minute in Council whereby the Orders in Council with respect to Settlement Duties are cancelled.

In Council, 24th May 1832.

The lieutenant-governor submitted to the council a proposal to cancel the present orders in council with respect to settlement duties on the following grounds :

There are three classes to which the settlement duties now apply.

1st. To officers receiving land under the last regulations ; but as they purchase lands at public sales, and residence or occupation of land they may acquire is the condition of their being allowed to locate Crown lands, the performance of settlement duties should not be demanded in such cases.

2d. Militia officers, non-commissioned officers and privates who have served in the province, military claimants, free grants to individuals which may be sanctioned on particular occasions by His Majesty's Government.

3d. Children of U. E. loyalists; these grants are confined to lots of 200 acres to each person claiming the right to receive land.

It is therefore proposed to cancel the present orders in council relating to settlement duties, and to dispense with settlement duties in future, but not to permit patents to be

Orders respecting
Settlement Duties
cancelled.

No. 1.
Regulations of the
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Department.

issued to individuals who may receive location-tickets till it shall be ascertained by the surveyor-general or by the commissioner of Crown lands that a resident settler has been established on some part of the grant.

The council concur with his Excellency, and it is ordered, that the present orders in council relating to settlement duties shall be cancelled from this date, but that no patent shall be permitted to issue to individuals who may receive location-tickets till it shall be ascertained by the surveyor-general or by the commissioner of Crown lands that a resident settler has been established on some part of the grant.

It is, however, to be understood that these regulations shall not interfere with the order in council of the 14th May 1830, which applies exclusively to discharged soldiers and sailors, and in respect to whom the period of residence is hereby appointed to be three years instead of five, as prescribed by that order.

(A true Copy.)

(signed) *John Beikie*, Acting Clerk Executive Council.

To the Surveyor-general.

(Copy.)

(5.)

Sir,

Government House, 15th October 1833.

Orders respecting
Settlement Duties.

With reference to instructions which have been lately received from His Majesty's Government, regulating grants of land to military claimants, I am directed by the Lieutenant-governor to acquaint you, that no free grant will be sanctioned by the local government to military claimants not included in the classes named in the accompanying document, except to non-commissioned officers and privates discharged in these provinces.

I have also to communicate to you, that with a view of preventing the traffic which it is understood has been carried on to a great extent in the purchase of U. E. loyalists' rights by speculators, with much inconvenience to particular townships, the following regulations will be observed :

All detached lots in townships not open for general location or lots forfeited for non-residence and at the disposal of His Majesty's Government, will be reported by you to the commissioner of Crown lands, who has received instructions to sell them by auction.

A list of the townships open for location will be reported by you every quarter. In these U. E. loyalists, or sons and daughters of U. E. loyalists or provincial public claimants, or non-commissioned officers or privates of the regular army, entitled to land, may be located, subject to the conditions specified in the order in council which will be transmitted to you.

I have, &c.

S. P. Hurd, Esq., Surveyor-general.

(signed.) *Wm. Rowan*.

FORM of Certificate given to Purchasers of Crown Lands upon the payment of the full amount of the Purchase-money.

Upper Canada.

Commissioner of Crown Lands' Office, York,

I certify, that in pursuance of the authority vested in me as Commissioner of Crown Lands, and in consideration of the authority vested in me as Commissioner of Crown Lands, and in consideration of the authority vested in me as Commissioner of Crown Lands, I have sold to him lot No. in the concession in the township of in the district, containing acres, more or less, and that the said is entitled to receive a patent for the same without charge.

No. of Certificate.

Commissioner of Crown Lands.

(C.)—No. 1.

Lord *Goderich* to Sir *John Colborne*, respecting the disposal of Crown Lands.

(Copy.)

Sir,

Downing-street, 7th March 1831.

Having had under my consideration the regulations which are at present in force for the disposal of lands in His Majesty's North American provinces, I am of opinion, after having consulted those who are the most competent to give an opinion on the subject, that some of the clauses or heads of instructions by which the commissioner of Crown lands is now governed are liable to considerable objection. I allude more particularly to those clauses which have reference to the disposal of Crown lands on a quit rent of five per cent. on the estimated value. I altogether disapprove of this system; and I therefore desire that the practice may be immediately discontinued.

I enclose for your information and guidance a copy of the new regulations which I proposed to establish for granting lands in the North American provinces, and if upon consideration you should be of opinion that they are liable to no serious objection, I am to desire that you will forthwith convey the necessary directions to the commissioner of Crown lands, in order that they may be brought into immediate operation.

I think

I think it necessary to apprise you, that in future grants of land will not be given to any person whatever, with the exception of military settlers.

I therefore request that you will decline to forward to me any applications which may be addressed to you for free grants of land.

No. 1.
Regulations of the
Land Granting
Department.

Maj.-General Sir John Colborne, K. C. B.

I have, &c.

(signed)

Goderich.

(C.)—No. 2.

REGULATIONS for the granting Lands in the British North American Provinces.

(Copy.)

Sir,

Government House, 12th October 1831.

I am directed by the Lieutenant-governor to forward to you the accompanying instructions, and to request that in future they may be attended to in disposing of the waste lands of the Crown.

I have, &c.

The Hon. Peter Robinson.

(signed.)

E. M'Mahon, Acting Secretary.

REGULATIONS for granting Lands in the North American Provinces.

No. 1.

For the information of persons desirous of proceeding as settlers to His Majesty's provinces in North America, the following summary of the rules which have been established for the future regulation of grants of land, has been prefixed by the direction of His Majesty's Principal Secretary of State for the Colonial Department.

Regulations for
granting Lands.

No. 2.

The commissioner of Crown lands will at least once in every year submit to the Governor a report of the land which it may be expedient to offer for sale within the ensuing year, and the upset price per acre at which he would recommend it to be offered; the land so offered having been previously surveyed and valued in one or more contiguous tracts of those most adapted for settlement, according to the local peculiarities of the province, and in proportion to the number of deputy-surveyors who can be employed.

No. 3.

The lands to be laid out in lots of 100 acres each, and plans of such parts as are surveyed to be prepared for public inspection, which plans may be inspected in the office of the surveyor-general, or in that of his deputies, in each district, on payment of a fee of 2s. 6d.

No. 4.

The commissioner of Crown lands will proceed to the sale in the following manner:

He will give public notice in the Gazette, and in such other newspaper as may be circulating in the province, as well as in any other manner that circumstances will admit of, of the time and place appointed for the sale of lands in each district, and of the upset price at which the lands are proposed to be offered; that the lots will be sold to the highest bidder; and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner, by auction.

No. 5.

The purchase money will be required to be paid down at the time of sale, or by four instalments with interest; the first instalment at the time of sale, and the second, third, and fourth instalments at the intervals of half a year.

If the instalments are not regularly paid, the deposit money will be forfeited, and the land again referred to the sale.

No. 6.

Public notice will be given in each district in every year, stating the names of the persons in each district who may be in arrears for the instalment of their purchases, and that if the arrears are not paid up before the commencement of the sales in that district for the following years, the lands in respect of which the instalments may be due will be the first lot to be exposed to auction at the ensuing sales; and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

No. 7.

The patent for the land will not be issued, nor any transfer of the property allowed until the whole of the instalments are paid. The lands sold under this regulation are not to be chargeable with quit rents, or any further payment beyond the purchase money for the expenses of the patent.

No. 8.

Persons desirous of buying land in situations not included in the tracts already surveyed must previously pay for the expense of survey, and the price must of course depend upon the quality of the land and its local situation.

No. 1.

Regulations of the
Land Granting
Department.

The Crown reserves to itself the right of making and constructing such roads and bridges as may be necessary for public purposes in all lands purchased as above; and also to such indigenous timber, stone, and other materials, the produce of the land, as may be required for making and keeping the said roads and bridges in repair, and for any other public works. The Crown further reserves to itself all mines of precious metals.

No. 9.

The regulations for granting licences to cut timber will be learnt by application at the surveyor-general's office in the province.
Colonial Office, February 1831.

No. 10.

(C.)—No. 3.

REGULATIONS respecting Officers purchasing Land.

No. 504.

(Copy.)

General Order.

Horse Guards, 1st August 1831.

Regulations
respecting Officers
purchasing Land.

His Majesty's Government having revised the regulations concerning the system of granting land in the British colonies of North America and Australia, so as to ensure to officers of the army, wishing to become settlers, the combined advantages arising from rank and length of service, the King is graciously pleased to declare, that officers purchasing land according to the regulations established in the respective colonies, shall, in proportion to their rank and services, be entitled to a remission of the purchase money, according to the following graduated scale, on producing testimonials of unexceptionable character from the general commanding-in-chief:

	Sterling.			Currency.		
	£.	s.	d.	£.	s.	d.
Field-officers of 25 years' service and upwards in the whole -	300	-	-	346	3	$\frac{3}{4}$
Field-officers of 20 years' service and upwards, in the whole -	250	-	-	288	9	$2\frac{3}{4}$
Field-officers of 15 years' service and upwards, in the whole -	200	-	-	230	15	$4\frac{1}{2}$
Captains of 20 years' service and upwards, in the whole -	200	-	-	230	15	$4\frac{1}{2}$
Captains of 15 years' service or less, in the whole -	150	-	-	173	1	$6\frac{1}{4}$
Subalterns of 20 years' service and upwards, in the whole -	150	-	-	173	1	$6\frac{1}{4}$
Subalterns of seven years' service or less, in the whole -	100	-	-	115	7	$8\frac{1}{4}$

In all other respects, the regulations promulgated to the army in the general orders of the 8th June 1826, 16th May 1827, 24th August 1827, 18th July 1829, and 24th February 1831, remain in force.

By command of the Right Honourable the General commanding-in-chief.

(signed) *John Macdonald*, Adjutant-general.

(C.)—No. 4.

Colonel *Rowan* to the Commissioner of Crown Lands, on the subject of the Claims of U. E. Loyalists to Land.

(Copy.)

Sir,

Government House, York, 25th October 1832.

With respect to the enclosed memorial of Mr. Durand, and the U. E. loyalist rights which he appears to have purchased, I am directed to acquaint you, that his Excellency will not authorise U. E. loyalists' claims for land to be acknowledged by the executive government, unless the applicant who petitions for a grant is the person entitled to it, in conformity to His Majesty's proclamation; and also to observe that although his Excellency has sanctioned the location of U. E. loyalists on any vacant lands grantable by the Crown, on condition of their residing on their lots or occupying them, he cannot authorise the lands in the new townships, which it is for the interest of the province to settle immediately, to get into the possession of persons who may find it convenient to purchase U. E. loyalist rights.

I have, &c.

(signed) *Wm. Rowan*.

6/2/34

(C.)—No. 5.

No. 1.

Edward M'Mahon to the Commissioner of Crown Lands respecting the Claims of U. E. Loyalists to free Grants, and the Location of Officers of the Army and Navy. Regulations of the Land Granting Department.

(Copy.)

Sir,

Government House, York, 13th November 1832.

I am directed by the Lieutenant-governor to acquaint you, with reference to the regulation sanctioned by him respecting the claims of U. E. loyalists to free grants of land, and to the location of officers of the navy and army entitled to a remission of the purchase money at which their land may be valued in proportion to their periods of service, that U. E. loyalists and their children or heirs entitled to land, may be located in any township in which there are waste lands at the disposal of the Crown, provided that they will reside on the lots which they may select, or place on them resident settlers, but his Excellency cannot authorise you to admit the claims that may be preferred by land speculators holding location tickets, or the purchasers of U. E. loyalist rights (as they are termed), for it is obvious that the interests of the province may be much injured were such a description of persons allowed to get possession of blocks of land in the new townships which his Excellency is anxious to see filled with settlers who will bring their lots into immediate cultivation. Thus, if the purchasers of U. E. loyalist rights could select their land, the opening of new townships to emigrants would be the signal for their taking up the most advantageous locations with a view of retaining them till their value would increase.

Communications relating to the Location of U. E. Rights.

With respect to location of officers, the Lieutenant-governor is of opinion that they should be allowed to select their lands without purchasing them at a public sale as directed by the late regulations, but this permission he thinks should be withdrawn six months after their arrival in the province. This arrangement will afford every officer an opportunity of fixing on his land and of removing to the location without incurring a risk of being disappointed in his purchase after he may have removed his family to the township pointed out to him by the surveyor-general.

I have, &c.

(signed) *Edward M'Mahon*, in absence of Mr. Secretary Rowan.

The Honourable the Commissioner of Crown Lands.

(C.)—No. 6.

THE Commissioner of Crown Lands to Colonel *Rowan*, on the subject of locating U. E. Rights.

(Copy.)

Sir,

Commissioner of Crown Lands' Office, York, 20th Nov. 1832.

The persons named in the within application referred to me, are sons of the original settlers in Lanark, and of a very good description to form a new settlement, and I have no doubt that if they are allowed to locate, it is their full intention to reside permanently in the township.

On questioning them I find they gave 30*l.* for the U. E. right, in the full confidence that it would secure to them the original grant; and although it is quite necessary for the Government to discourage the traffic in U. E. rights, still I am inclined to think that the present applicants who, not aware of the intentions of the Government, have expended their means in procuring the rights in question, and in removing to this part of the country, might be so far indulged as to be allowed to locate upon condition of actual residence for five years.

I have further to add, that in the vicinity of Lanark there are no lands fit for settlement at the disposal of the Crown.

I have, &c.

Colonel Rowan, Civil Secretary.

(signed) *Peter Robinson*.

This communication was returned to the Commissioner of Crown lands with the following remarks:

The two settlers may be placed on land which they can purchase, but the Lieutenant-governor cannot think that the U. E. loyalist rights should be acknowledged, except the original holders of the order for land make the application to the commissioner of Crown lands.

(signed) *J. C.*

(C.)—No. 7.

Colonel *Rowan* to the Commissioner of Crown Lands, on the subject of locating U. E. Loyalists.

(Copy.)

Sir,

Government House, 21st November 1832.

With reference to a former communication on the subject of the U. E. loyalists' rights, I am directed by the Lieutenant-governor to acquaint you, that although many of them it is understood

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understood are now in the hands of speculators in lands, his Excellency sees no objection to a lot being granted to any settler presenting an order to you, provided that the settler holding the order will immediately reside on the lot on which he may wish to be located.

This regulation, it is hoped, will prevent land from being taken up in the new townships by the purchase of U. E. loyalist rights, with a view of reserving them till their value may increase, and at the same time it will afford an opportunity of locating settlers, with advantage to the province, who have become possessed of these orders for land.

I have, &c.

The Hon. Peter Robinson.

(signed) *Wm. Rowan.*

(C.)—No. 8.

THE Commissioner of Crown Lands to Colonel *Rowan*, on the subject of the location of U. E. Loyalists.

(Copy.)

Sir,

Commissioner of Crown Lands' Office, York, 6th April 1833.

In consequence of the communication from the Lieutenant-governor respecting U. E. loyalists, I wrote to Mr. Mount on the subject, and enclose a copy of the letter for his Excellency's information.

It appears by the statement made by David Scott, the holder of the enclosed right, that Mr. Mount does not feel himself authorised to locate U. E. rights upon the surveyor-general's certificate in the present form, although my impression is, that it was not the desire of his Excellency to withhold the location of U. E. rights from actual settlers, as in the present instance, still I feel unwilling to take upon myself the responsibility of sanctioning this location, for fear I may have misunderstood his Excellency's intentions.

I have, &c.

Colonel Rowan.

(signed) *Peter Robinson.*

This communication returned to the commissioner of Crown lands with the following remarks :

The Lieutenant-governor sees no objection to Abel Cole being allowed to place a settler on his lot, provided that he becomes a resident settler.

(signed) *J. C.*

(C.)—No. 9.

FORMS of the Certificate given to Purchasers at the Public Sales of Crown Lands.

Certificate given
to Purchasers at
Public Sales.

I certify, that at the public sale of Crown lands held under the authority of the commissioner of Crown lands at _____ on the _____ day of _____ 183____
formerly of _____ now of _____ became the purchaser of _____ of Lot No. _____
in the _____ in the _____ of _____ in the _____ district
containing _____ Acres, more or less, at the rate of _____ currency, per acre.

And it is understood, that this certificate shall be void, unless transmitted to the commissioner of Crown lands at York, together with the amount of the first instalment, being _____ on or before the _____ day of _____ next, and the land shall be liable to be re-sold at any future sales.

On production of this certificate, and payment of the first instalment, the commissioner of Crown lands will give to the purchaser a written acknowledgment of the payment on account, and authority to take possession of the lot. But the obtaining of a perfect title must of course depend on the punctual fulfilment of the conditions of the purchase.

(C.)—No. 10.

SCHEDULE of the Townships in which Lands have been offered for sale in 1833, at the Upset Prices.

Lots fronting on the St. Clair, at 20 s. c'y. per acre.

Upset Prices for
Land.

Plympton, Sarnia, Moore, Warwick, Harvey, Verulam, Dummer, Burleigh, Fenelon, Ops, Douro, Otonabee, Ross, Pembroke, Westmeath, at the upset price of 10 s. c'y. per acre.

Adelaide, Seymour, 12 s. 6 d. per acre.

Sunnidale, Nottawasaga, 5 s. per acre.

Tyendinaga, 15 s. per acre.

(D.)—No. 1.

COPY of a Circular Despatch from the Secretary of State for the Colonies to the Lieutenant-governor.

(Copy.)

(Circular.)

No. 1.

Regulations of the Land Granting Department.

Sir,

Downing-street, 31st August 1831.

As I have deemed it advisable that all lands should be indiscriminately offered for public competition, it is not intended to continue the practice which has hitherto prevailed of making grants of land to officers on the half-pay of the army or navy, or to those who may have disposed of their commissions under the provisions of the general order of July 1829, for the purpose of settling in one of the North American provinces. I therefore propose that in future, instead of making grants of land to officers, a certain sum shall be remitted from the price of that which they may purchase, proportioned to the rank and length of service of the officer. The general order of the 10th instant has been framed accordingly, and you will give the necessary orders to the commissioner of Crown lands to carry these regulations into effect, with regard to officers who may arrive in the province subsequently to the receipt of this despatch.

Copy of Despatch relating to Lands to Officers.

I have, &c.

Goderich.

(D.)—No. 2.

EXTRACT of a Despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 31 October 1831.

I HAVE the honour to acknowledge the receipt of your despatch, No. 36, of the 5th ult., transmitting a plan of the townships which have been regularly surveyed in Upper Canada, and describing the situation and advantages of those which you would particularly recommend for the location of emigrants.

Extract of Despatch relating to Free Grants.

I shall take an early opportunity of referring to the commissioners of emigration the various suggestions contained in your despatch, and I shall not fail to communicate with you more at large upon the subject.

There are two modes by which emigrants may find the means of supporting themselves upon their arrival in Canada, viz.: working for wages, or settling themselves at their own expense upon land which, if they bring with them adequate means, they may purchase in the same way and upon the same terms as any other person desirous of so obtaining it; but it is clear, that if by the location of proper emigrants, it is meant that lands should be given to them, and that they should be established and for a time maintained upon those lands out of the public revenue, such a system would be utterly inconsistent with and destructive of the whole plan of disposing of land by public sale.

(D.)—No. 3.

EXTRACT of a Despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 21 November 1831.

It has been urged, that to compel the *bonâ fide* settler to pay for his land anything beyond the necessary expense of surveying it and marking out the limits, is to deprive him of a portion of his capital, which (if allowed to retain it) he might employ to great advantage. Plausible as this objection is, experience has demonstrated that by yielding to it, and by making free grants, much more inconvenience is incurred than can arise from this alleged defect in the system of sale. If no consideration is to be given in return for land all persons will be desirous to obtain it, and that too in quantities not limited by their ability to turn it to advantage.

It is likewise found practically, that under the system I am now considering, no degree of caution is sufficient to prevent large tracts of land from getting into the possession of persons whose object is not to improve it, but at a future day to dispose of it, when it shall have acquired an increased value from the settlement and improvement of the vicinity; the effect of this being to enable the idle or fraudulent proprietor not only to put his more industrious neighbours to great inconvenience, but also to derive a profit from their exertions to which he has in justice not the slightest claim.

As far as I am acquainted with the history of new settlements, there is no instance in which the practice of making free grants has been followed without leading to the abuse I have described; various regulations have been adopted with a view of guarding against it, but these, though complicated and otherwise inconvenient, have uniformly failed to accomplish their intended object.

(D.)—No. 4.

EXTRACTS of a Despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 1 February 1832.

I HAVE had the honour of receiving your despatch of the 24th November, inclosing the report which had been made to you respecting the number of labourers and mechanics, 269.

Extracts of Despatch relating to Employment of Emigrants.

No. 1.
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Department.

who might probably find employment in different districts, the prices of provisions and the rate of wages." These papers I have laid before the commissioners of emigration, who will, I trust, shortly be able to publish, for general information, an abstract of the statements upon these topics furnished by yourself and by the governors of the other North American colonies.

If, contrary to all expectation, the natural demand for labour in the province should leave a greater number of persons unemployed than you can find profitable work for on the roads, you may possibly be under the necessity of employing the remainder in clearing and cultivating the land; it would be to be regretted if such a necessity should arise, but even in that case I should not be induced to depart from the general rule which I have laid down by establishing emigrants as proprietors on land of their own, before they are able to support themselves without assistance.

(D.)—No. 5.

EXTRACTS of a Despatch from the Secretary of State for the Colonies to the Lieutenant-governor, dated Downing-street, 1 January 1833.

WHEN, therefore, I approved the settlement of poor emigrants, reported in some of your despatches of last year, and adverted to in your despatch, No. 24, of the 4th of May last, I proceeded on the supposition that the parties could not possibly have been provided for in any other way. I by no means proceeded on an assent to the doctrine suggested in your despatch of the 4th May, that as every industrious emigrant can in two years become an owner of land, it is better for the province that he should commence immediately on his own property.

I object to it as it affects the welfare of the colony, because, as I have stated, to the good of every society a supply of labour and a division of employment must be indispensable. For these reasons I have to desire that in future no one class of emigrants may be allowed to acquire lands on more favourable terms than another, but that all be required alike to make their purchases at sales where the lands shall be put up at a minimum price; and that those emigrants who may not be able to pay the price shall be left to work for themselves at wages until they can earn the means of buying in accordance with established regulations. The only events in which I could sanction an exception in favour of indigent emigrants would be the case of there being no other possible means of providing for their subsistence than by their settlement on land.

(D.)—No. 6.

COPY of Despatch from the Secretary of State for the Colonies.

(No. 17.)

Sir,

Downing-street, 1 July 1833.

Extract of Despatch.

I HAVE the honour to acknowledge the receipt of your despatch, No. 54, of the 4th of December last, containing various applications for grants of land in consideration of military services performed in Upper Canada. I have no doubt of the merit of the individuals whose cases are thus brought under my notice, but considering the very important grounds on which the present system with respect to the disposal of the Crown lands has been adopted, I cannot sanction a departure from it in order to comply with the requests of the gentlemen whose memorials you have forwarded on the present occasion.

I have, &c.

(signed) E. G. Stanley.

ADDRESS to his Excellency the Lieutenant-governor for Despatches and Communications relating to Settlement of the Province.

To his Excellency Sir John Colborne, &c. &c.

May it please your Excellency,

Address to his
Excellency for
further information.

WE His Majesty's dutiful and loyal subjects, the commons of Upper Canada in provincial Parliament assembled, request that your Excellency will be pleased to lay before this House, with as little delay as possible, all despatches or other communications from the executive government of this province to His Majesty's Government since the first settlement of the province, as also from the King's Government to the government of this province, relating to the granting or sale of lands to any person or persons whatever, together with all orders in council relating to the same subject that are not contained in the documents accompanying the message of your Excellency to this House relative to the granting and sale of lands.

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No. 1.

ANSWER of his Excellency the Lieutenant-governor to Address for further Information relative to the granting of Lands, &c.

Regulations of the
Land Granting
Department.

Gentlemen,

I WILL transmit to His Majesty's Secretary of State for the Colonies this Address of the House of Assembly, and I can see no objection to the information requested being forwarded to the House, with the permission of His Majesty's Government.

Answer.

ADDRESS to His Majesty on the subject of U. E. Loyalist Rights.

To the King's Most Excellent Majesty.

Most Gracious Sovereign.

WE, your Majesty's faithful subjects, the commons of Upper Canada in provincial parliament assembled, beg leave humbly to represent to your Majesty, that a vast number of the most faithful and loyal subjects of His Majesty King George 3, Your Majesty's late father of glorious memory, residing in his colonies, now the United States of America, at the commencement of the American revolution, did unhesitatingly sacrifice, not only their possessions and worldly effects, but also the peace and comfort of themselves and their families, by voluntarily joining the royal standard of His Majesty, and on various occasions during the sanguinary struggle displayed the most uncompromising zeal and fidelity to His Majesty's cause, person and government; fought and bled; and many lost their lives, while almost all spent their best days of vigour and strength; suffered more or less fatigue, privations, and hardships; for which very conspicuous and meritorious conduct His Majesty was most graciously pleased, by his proclamations and instructions, to signify his royal will and pleasure that the first loyalists who had thus distinguished themselves, and who should become resident in the province on or before the year 1798, and their sons and daughters when of age or married, should receive a bounty of lands in any of the townships which they might desire, in proportion to their several grades, viz:—a private, 300 acres; a captain, 3,000 acres; the son or daughter of a U. E. loyalist, 200 acres; to be granted and obtained "free from any expense whatever;" and upon no other condition than that the head of the family should cultivate or improve some part of his own grant, or possess and reside upon some other lands in the province; and it was expressly declared as being intended, in the first place, as a recompense and reward for their valuable services, losses and sufferings, and in the next place, as a mark of His Majesty's royal munificence and favour; and further, it was ordered, that "a course should be taken for preserving a registry of the names of all persons falling under the description aforementioned, to the end that their posterity might be discriminated from future settlers in the parish registers and rolls of the militia of their respective districts and other public remembrances of the province, as proper objects, by their persevering in the fidelity and conduct so honourable to their ancestors, for distinguished benefits and privileges, in consequence of which they have been heretofore denominated and known by the title of U. E. loyalists;—That these grants, or rights of land, were always considered and understood in the shape of a debt due by the government to the several individuals claiming, or in other words, as a reward for meritorious services performed, and for which they considered they held the pledge and faith of government;—That although an order in council was made in this province, in the year 1797, that all claims by the above-mentioned persons for military lands must be made previous to the end of that year, yet the said orders were afterwards rescinded in the year 1806; and it was then ordered (of which public notice was given) that military claimants themselves were again admitted to make application, and upon proving their claim, to receive all their military land as if they had applied previous to the said orders in council, in the year 1797; after which time, the said description of persons continued to receive grants of land according to the gracious intentions of His Majesty, free from any expense or charge whatever, and with very little interruption or impediment, until the 20th of October in the year 1818, when the following order was made and acted upon by the executive government of this province.—"It is ordered, that no grant of land will issue in future to persons of any description, until a satisfactory certificate is filed in the surveyor-general's office, that a habitable house is erected on some part of the land to be granted, and sufficient clearing thereon, under fence, in the proportion of five acres for every 100." We would here beg leave to remark that neither your faithful commons nor the country at large are informed whether these restrictions were imposed with the approbation or direction of His Majesty's Government, or whether the whole matter originated with the executive government of this province, as the lieutenant-governor, in answer to an address of this house of the 16th of January last, almost unanimously adopted, declined affording us that information until he received, of your Majesty's Government, permission so to do.—That, from that time to the present, various restrictions and requirements have been imposed, and many obstacles thrown in the way of obtaining lands, by the Government, varying, it is true, from time to time, but in the opinion of your faithful commons and the country, altogether unjust, objectionable and injudicious; and the present restrictions, obstacles and impositions, the most so of any heretofore adopted by the government—viz: two years' actual residence on the grant in

Address to His
Majesty.

No. 1.

Regulations of the
Land Granting
Department.Address to His
Majesty on the
subject of U. E.
Rights.

addition to the other duties; and furthermore, we feel it to be our duty to state to your Majesty, that for the last four or five months scarcely any locations have been allowed to be made even on these conditions, and, then not without extreme difficulty, inconvenience and delay. Although applications have been frequently made for permission to locate during that time on unquestionable claims, yet, when allowed, they were not permitted to have lands in situations which were anywise favourable, the government, by their late orders, only allowing those grants to be made in a few of the townships surveyed, most of which are unfavourably situated, the good lands being already taken up in other townships, and the remainder of little or no value, and only to a certain extent, even in those townships, while they are excluded altogether from other surveyed townships more favourably situated. We beg leave to submit that those restrictions and obstacles, and particularly the last mentioned, made by the executive government of this province to the free grants of your royal father, are considered and viewed as a breach of faith and pledge on the part of the government, and a violation of the just rights of the individuals concerned, and, if persisted in, when thus submitted and fully explained, cannot but have a tendency to shake the confidence of your Majesty's subjects in the justice and wisdom of your Majesty's councils and government, and that, in the opinion of your faithful commons and subjects generally, these unjust restrictions, impositions, obstacles and proceedings by the government, have tended, and in fact are the sole causes of reducing the value of those grants in the hands of the original owners very materially, inasmuch as many of those entitled, being desirous of settling themselves in the neighbourhood of their fathers and friends, and not being able to locate their rights in such neighbourhood, or adjacent thereto, have purchased and become possessed of other lands on which they have settled and improved; and which they are not willing to leave to avail themselves of a location at a distance from their friends, and in back and refuse townships: they consequently part with their rights, in many cases, for a trifle, and far below what they would be able to realise under similar circumstances, were all restrictions and obstacles removed at once, as they undoubtedly should be, and locations permitted to be made on the same terms as previous to the year 1818, in which case opportunity would not be afforded for persons having money who desire to avail themselves of large quantities of those rights being for sale at low prices, and who, to answer the letter of the various requirements by the orders in council, procure the performance of the settlements and clearings as cheaply as possible; not with a view of making actual and permanent settlements, but merely to comply with those conditions and afterwards hold them at high prices—a hindrance to the prosperity of the country—whereas if these grants were permitted to be obtained with the same facility, and in the same way and manner as previous to the year 1818, the original holders would either locate themselves or demand a price corresponding with other lands in general; and if thus sold for valuable consideration, they would, in general, be bought for immediate cultivation and use, and consequently would be permanently improved, as there would be no inducement to speculators to purchase those lands in preference to any others, as they would bear a corresponding price. We would also beg leave to represent that there are also in this province other classes of persons who have His Majesty's pledge for a grant of a portion of lands, whose meritorious conduct and valuable services entitle them to the favourable consideration of your Majesty, viz.: those volunteers who comprised the flank companies of militia in this province in the year 1812, and those who served in the incorporated militia or provincial corps during the late war between the King's Government and the United States of America, which description of persons equally suffer by the said regulations, according to the quantity of land to which they are entitled—they, in general, having become possessed of lands in like manner as above mentioned.

All which is respectfully submitted for the gracious consideration of your Majesty, trusting and requesting that your Majesty will take such steps as you in your wisdom may deem expedient, in order that speedy and ample justice may be done in the premises, and that the just claims and rights of persons of the foregoing description may be duly respected by all persons acting under your Majesty's authority.

Arch. McLean, Speaker.

Commons House of Assembly, 4th day of March 1834.

— No. 2. —

RETURN OF THE SECRETARY AND REGISTRAR.

RETURN of PATENTS for GRANTS of LAND that have passed the Great Seal of the Province, between the 1st April and 1st August 1836, stating the Names of the Grantees, the Dates of Orders in Council, the Dates of the Patents, the Extent and Situation of the respective Grants, and the Services for which each Person received his Grant, as taken from the Records in the Office of the Secretary and Registrar of the Province.

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres	Township.	County.	
Asoph, John -	10 Aug. 1832	1836: 6 April	w. $\frac{1}{2}$ 4	4	100	Essa -	Simcoe -	discharged soldier.
Althouse, Sarah -	11 July 1833	8 April	12	10	200	Brooke -	Kent -	- - daughter of an U. E. loyalist.
Anderson, James -	28 Sep. 1832	—	N. $\frac{1}{2}$ 11	6	100	Gloucester -	Russell -	discharged gunner.
Anderson, Robert -	27 Dec. 1835	12 April	a tract	- - -	460	on Grand River	Haldima -	Indian land claimant.
Adams, William S. -	1 July 1797	13 April	- - 1 Part 2.	14	350	Sunnidale -	Simcoe -	- - to complete his comple- ment as a serjeant, and as family lands.
Aulin, Francis -	19 Jan. 1820	16 April	E. $\frac{1}{2}$ 3	- North Mal-	200	Colchester -	Essex -	discharged shipwright.
Adams, George -	7 Mar. 1833	18 April	w. $\frac{1}{2}$ 4 -w. $\frac{1}{2}$ 10, 11.	den-road. 11	—	Huntley -	Carleton -	son of an U. E.
Annable, Hiram -	18 May 1833	—	{s. $\frac{1}{2}$ 8 {part 9	11 12	200	Goulburn -	—	ditto.
Anderson, Daniel -	12 Mar. 1833	21 April	w. $\frac{1}{2}$ 6	10	100	Belmont -	Northumberland	discharged soldier.
Assekinack, Jean B.	27 Oct. 1832	20 May	1	11	200	Tay -	Simcoe -	Indian interpreter.
Adams, Elizabeth -	11 Jan. 1834	—	2	2	—	Pembroke -	Lanark -	D. U. E.
Adams, John -	18 July 1834	—	1	2	—	ditto -	—	S. U. E.
Alguire, Daniel -	3 Dec. 1835	24 May	{N. $\frac{1}{2}$ 12 {N. $\frac{1}{2}$ 37	2 9	—	Nottawasaga -	Simcoe -	ditto.
Abrams, Henry -	7 Aug. 1834	—	26	5	—	ditto -	—	ditto.
Archer, William -	23 July 1832	—	w. $\frac{1}{2}$ 69	- - East Pe- netan ^{ne} -rd.	100	Medonte -	—	discharged soldier.
Anguish, Jacob -	18 Oct. 1796	—	N. $\frac{1}{2}$ 6	3	—	Collingwood -	—	S. U. E.
Alguire, David -	28 Oct. 1835	—	{N. $\frac{1}{2}$ 19 {s. $\frac{1}{2}$ 27	2 4	200	Nottawasaga -	—	ditto.
Ansley, Hannah -	16 May 1818	—	5	5	—	Collingwood -	—	D. U. E.
Adams, Ezra -	28 Sep. 1820	—	20	2	—	Nottawasaga -	—	S. U. E.
Armitage, Mark -	4 Oct. 1832	—	E. $\frac{1}{2}$ 6	3	100	Verulam -	Durham -	discharged soldier.
Anderson, William	19 July 1820	—	N. $\frac{1}{2}$ 9	5	—	Collingwood -	Simcoe -	militia.
Abbott, George -	—	—	w. $\frac{1}{2}$ 24	1	—	Marmora -	Hastings -	ditto.
Anderson, Andrew -	4 May 1836	23 May	113	Talbot-road	200	Bayham -	Middlesex -	S. U. E.
Abrahams, Jonas -	5 Sep. 1833	—	E. $\frac{1}{2}$ 30	7	—	Verulam -	Northumberland	ditto.
Anderson, T. B. -	7 Dec. 1830	26 May	7	Water-street	$\frac{1}{2}$	Cornwall -	Stormont -	Crown land sale, 10 l.
Allan, James -	28 Nov. 1835	30 May	E. $\frac{1}{2}$ 19	10	100	Huntley -	Carleton -	- - Irish emigrant, located by the Hon. P. Robinson.
Armstrong, Thomas	—	—	8	11	—	Ramsay -	Lanark -	ditto.
Arwison, Gustavus -	19 Jan. 1820	1 June	{22, 23, {24.	4 11	800	Moore -	Kent -	- - master of a Government transport.
Armstrong, Robert -	28 Nov. 1835	—	w. $\frac{1}{2}$ 7	12	100	Ramsay -	Lanark -	- - located by Hon. P. Ro- binson.
Adams, John -	6 Apr. 1836	3 June	12, 13	Gore -	—	Malahide -	Middlesex -	located by Colonel Talbot.
Arnold, Christopher	7 Dec. 1830	—	20	Gaol-street -	1	Chatbam -	Kent -	Crown land sale, 6 l.
Amos, Thomas -	28 Nov. 1821	10 June	N. $\frac{1}{2}$ 3	11	100	Mariposa -	Durham -	regulations, 6 July 1804.
Arthur, John -	20 Oct. 1832	—	N. $\frac{1}{2}$ 13	8	—	Innisfil -	Simcoe -	discharged soldier.
Andrews, Richard -	12 May 1836	11 June	N. $\frac{1}{2}$ 8	5	—	Smith -	Northumberland	- - located by Hon. P. Ro- binson.
Armstrong, James -	1 Nov. 1824	13 June	E. $\frac{1}{2}$ 21	11	—	Pakenham -	Carleton -	patent fee and survey paid.
Aurey, John -	19 Jan. 1820	—	w. $\frac{1}{2}$ 23	5	—	Esquesing -	Halton -	militia.
Armstrong, Blyth -	24 Oct. 1831	—	w. $\frac{1}{2}$ 4	9	—	Eldon -	Durham -	discharged soldier.
Allibone, George -	9 June 1836	14 June	E. $\frac{1}{2}$ 9	8	—	Medonte -	Simcoe -	ditto.
Anderson, George -	2 Feb. 1819	—	6	First-street	1	Cornwall -	Stormont -	regulations, 6 July 1804.
Anderson, John -	6 Sep. 1832	15 June	{N. $\frac{1}{2}$ 19 {s. $\frac{1}{2}$ 13	2 13	100	Innisfil -	Simcoe -	discharged serjeant.
Amiotte, Cuthbert -	28 Feb. 1835	—	-s. $\frac{1}{2}$ 16, 17.	15	200	Tecumseth -	ditto -	- - discharged artificer, Kingston dock-yard.
Arthurs, John -	26 Aug. 1834	—	{w. $\frac{1}{2}$ 24 {w. $\frac{1}{2}$ 25	1 2	300	Adelaide -	Middlesex -	discharged serjeant-major.
Atkinson, W., assign- nee of John Berris- ford.	- 34th claim, commission- ers'report i n July 1835.	17 June	- w. $\frac{1}{2}$ 4 and 5.	5	200	Mulmur -	Simcoe -	regulations, 6 July 1804.
Armstrong, James -	30 June 1819	18 June	25	4	—	Esquesing -	Halton -	S. U. E.
Ault, Nicholas	19 Jan. 1820	—	E. $\frac{1}{2}$ 4	5	100	Madoc -	Hastings -	militia.
Ansley, Daniel -	—	20 June	5	3	200	Enniskillen -	Kent -	militia serjeant.
Askin, Charles -	7 Dec. 1830	23 June	26	Bedford-st.	1	Sandwich -	Essex -	Crown land sale, 7 l. 10s.
Anderson, Adam -	20 Oct. 1819	24 June	E. $\frac{1}{2}$ 12	9	100	Trafalgar -	Halton -	regulations, 6 July 1804.
Adams, Ezra -	1 Oct. 1823	28 June	29	4	200	Esquesing -	ditto -	patent fee and survey paid.

(continued)

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Allan, John -	19 Jan. 1820	1836 : 16 July	11	14	100	Colchester	Essex	militia.
Adamson, Peter, and Rev. J. Magrath.	13 June 1836	19 July	5	1	—	Toronto	York	regulations, 6 July 1804.
Adamson, Peter -	31 Mar. 1836	—	4	1	—	ditto	ditto	ditto.
Archer, William -	7 July 1831	—	10	6	200	Dummer	Northumberland	discharged serjeant.
Airey, Richard -	26 Nov. 1831	20 July	3	3	—	Westminster	Middlesex	school-land sale, 150 $\frac{1}{2}$ l.
Abbott, Francis -	4 Feb. 1830	25 July	$\frac{1}{2}$ 34	6	100	Nepean	Carleton	clergy reserve sale, 37 $\frac{1}{2}$ 10s.
Askin, Madelaine -	2 June 1836	28 July	- 10 and water lots in front.	-- Dalhou- sie-street.	-sq. ft. 18, 543	Amherstburgh	Essex	regulations, 6 July 1804.
Alguire, Hannah -	19 Dec. 1833	—	9	10	200	Nottawasaga	Simcoe	D. U. E.
Bennett, Jesse -	19 Jan. 1820	6 April	31	Front	80	Plympton	Kent	militia.
Blodgett, Orrix -	—	—	s. $\frac{1}{2}$ 9	1	100	Pembroke	Lanark	ditto.
Burritt, Calvin -	—	—	n. $\frac{1}{2}$ 3	1	—	ditto	ditto	ditto.
Bowen, Henry W., heir-at-law of his father.	- 138th claim, commission- ers' report in July 1835.	—	n. $\frac{1}{2}$ 12	3	—	Kingston	Frontenac	-- regulations prior to July 1796.
Brouse, George -	18 July 1833	—	1	3	200	Plympton	Kent	S. U. E.
Brooke, Dennison -	2 Oct. 1834	8 April	9	7	—	Collingwood	Simcoe	discharged artificer.
Black, John -	10 Aug. 1832	11 April	Part 6	7	100	Albion	York	discharged soldier.
Brayle, Dennis -	18 Aug. 1819	12 April	E. $\frac{1}{2}$ 19	3	—	Chiniquacousy	ditto	regulations, 6 July 1804.
Butler, Edward -	19 Jan. 1820	13 April	n. $\frac{1}{2}$ 23	8	—	Gesfield	Essex	militia.
Bishop, Abner -	—	—	n. $\frac{1}{2}$ 31	11	—	Hungerford	Hastings	ditto.
Buchanan, Gordon -	—	—	4	9	200	Chatham	Kent	militia serjeant.
Brown, John -	18 Feb. 1836	15 April	18	King-street	$\frac{1}{2}$	London	Middlesex	regulations, 6 July 1804.
Brown, Elias C. -	7 Dec. 1830	—	s. $\frac{1}{2}$ 7	2	100	Tyendinaga	Hastings	Crown-land sale, 75 $\frac{1}{2}$ l.
Badichan, Pierre -	19 Jan. 1820	16 April	E. $\frac{1}{2}$ 25	14	—	Dawn	Kent	militia.
Burton, Arthur, as- signee of Michael Bileau.	- 91st claim, commission- ers' report in July 1834.	—	s. $\frac{1}{2}$ 13	9	—	Plantagenet	Prescott	ditto.
Birdsell, Benjamin A.	2 Oct. 1834	—	30	11	200	Hungerford	Hastings	S. U. E.
Baby, Francis -	25 Feb. 1836	18 April	- Water lots, 79, 80	—	18	Sandwich	Essex	patent fee and survey paid.
Beam, James -	19 Jan. 1820	19 April	w. $\frac{1}{2}$ 17	2	100	Enniskillen	Kent	militia.
Blackley, James -	24 Mar. 1836	22 April	w. $\frac{1}{2}$ 17	10	—	Dummer	Northumberland	discharged soldier.
Bartley, Anne -	18 Aug. 1834	—	12	4	200	Belmont	ditto	D. U. E.
Betteridge, William	27 Nov. 1834	25 Apr.	3	12	15	Zorra	Oxford	-- late a lieutenant 81st Regiment.
			6	12	76	Biandford		
			Part 20	1	25	ditto		
Barry, Thomas -	27 May 1833	29 April	15	3	52	ditto	Simcoe	discharged serjeant.
Boyce, David -	19 Jan. 1820	18 May	19	11	200	Vespra		
Bradshaw, George -	1 May 1834	—	E. $\frac{1}{2}$ 8	8	100	Plympton	Kent	militia.
Briscoe, Adam J. -	28 Oct. 1833	—	1	2	200	Sarnia	ditto	S. U. E.
Burley, Cornelius -	19 Jan. 1820	24 May	w. $\frac{1}{2}$ 3	9	100	Madoc	Hastings	ditto.
Barlow, Michael -	19 Mar. 1836	—	s. $\frac{1}{2}$ 9	7	—	Ops	Durham	discharged soldier.
Boyce, Theophilus -	2 Oct. 1834	—	5	4	200	Enniskillen	Kent	S. U. E.
Babcock, William -	28 Feb. 1835	—	14	3	—	Collingwood	Simcoe	ditto.
Babcock, Samuel -	—	—	14	2	—	ditto	ditto	ditto.
Breakenridge, Robert	8 Nov. 1832	—	23	4	—	Warwick	Kent	ditto.
Burton, Mallory -	2 Oct. 1834	—	25	1	—	Nottawasaga	Simcoe	discharged artificer.
Buckhanan, Eliz. -	8 Dec. 1832	—	8	7	—	Enniskillen	Kent	D. U. E.
Barrie, William -	23 Dec. 1835	—	E. $\frac{1}{2}$ 13	5	100	Dalhousie	Lanark	military emigrant.
Ball, Belnap -	29 Sep. 1834	—	21	6	200	Enniskillen	Kent	S. U. E.
Bell, Agnes -	27 Nov. 1834	—	5	5	—	ditto	ditto	D. U. E.
Barritt, Joseph -	19 Jan. 1820	—	w. $\frac{1}{2}$ 13	12	100	Brooke	ditto	militia.
Bellinger, Rachel -	27 June 1833	—	- N. $\frac{1}{2}$ 26, 27.	5	200	Plympton	ditto	D. U. E.
Bingham, Ann M. -	28 Oct. 1835	—	18	10	—	Enniskillen	ditto	ditto.
Babcock, John -	28 Feb. 1835	—	7	4	—	Collingwood	Simcoe	S. U. E.
Bartlett, Catherine -	6 Dec. 1832	25 May	10	Front	200	Plympton	Kent	D. U. E.
Bulliss, Daniel -	19 Jan. 1820	—	E. $\frac{1}{2}$ 11	10	—	ditto	Simcoe	militia.
Barger, Andrew -	—	—	n. $\frac{1}{2}$ 6	2	100	Nottawasaga		
Brown, Heman -	—	—	E. $\frac{1}{2}$ 13	7	—	Plympton	Kent	ditto.
Brown, Heman -	—	—	s. $\frac{1}{2}$ 6	2	—	Nottawasaga	Simcoe	ditto.
Brown, Heman -	4 July 1817	—	5	2	—	ditto	ditto	S. U. E.
Brown, Ruth -	3 Mar. 1836	—	33	4	—	ditto	ditto	D. U. E.
Brouse, Nicholas -	27 June 1833	—	5 & 6	10	—	Tilbury (East)	Kent	S. U. E.
			Part 4	—				
Babcock, Sarah -	4 Sep. 1835	—	Part 6	9	200	Westmeath	Lanark	D. U. E.
			N. pt. 18	1				
Bourque, Jacques -	7 Dec. 1830	26 May	22	Front	100	Moore	Kent	Crown-land sale, 25 $\frac{1}{2}$ l.
Boice, Jacob -	19 Jan. 1820	—	E. $\frac{1}{2}$ 32	6	—	Eramosa	Halton	militia.
Boyd, Andrew -	—	—	s. $\frac{1}{2}$ 24	3	—	Harwich	Kent	ditto.
Bostwick, Gideon -	—	—	E. $\frac{1}{2}$ 4	11	—	Moore	ditto	ditto.
Bremner, John -	19 Mar. 1836	—	s. $\frac{1}{2}$ 72	East	—	Medonte	Simcoe	discharged soldier.
Bowan, Thomas -	11 Feb. 1836	—	E. $\frac{1}{2}$ 7	8	—	ditto	ditto	ditto.
Bell, Daniel F. -	27 Nov. 1834	—	1	6	200	Collingwood	ditto	S. U. E.
Booth, Harriett -	4 July 1833	—	8	1	—	Nottawasaga	ditto	D. U. E.
Booth, Charles A. -	—	—	9	1	—	ditto	ditto	S. U. E.

SALE OF LANDS IN UPPER CANADA.

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Barnhart, Charles	28 Feb. 1835	1836: 26 May	8	6	200	Enniskillen -	Kent -	S. U. E.
Bell, Magdalen -	4 Dec. 1834	—	21	3	—	ditto -	ditto -	D. U. E.
Buck, George -	20 Oct. 1832	—	21	4	—	Collingwood	Simcoe	discharged artificer.
Baxter, Melinda -	28 Oct. 1835	—	N. ½ 26, 27	12	—	Sombra	Kent	D. U. E.
Bowden, James -	7 July 1831	—	S. ½ 80	West -	100	Tiny -	Simcoe	discharged soldier.
Butcher, Joseph -	21 June 1832	—	8	12	200	Medonte -	ditto -	discharged serjeant.
Booth, William -	6 Oct. 1831	—	S. ½ 14	10	100	Innisfil -	ditto -	discharged soldier.
Bell, Margaret -	5 Feb. 1835	—	5	5	200	Sombra	Kent	D. U. E.
Bogert, David D.	15 Dec. 1832	—	36, 37	- East Bal- doon-street.	—	Dover -	ditto -	S. U. E.
Belknapp, Eleanor	30 Dec. 1819	—	26	4	—	Caledon -	York -	D. U. E.
Bink, Joseph -	19 Jan. 1820	27 May	S. ½ 25	6	100	Collingwood	Simcoe	militia.
Beauport, Constant.	—	—	N. ½ 2	5	—	Chatham -	Kent -	ditto.
Bell, Edward C. -	—	—	23	8	200	Collingwood	Simcoe	S. U. E.
Babcock, Belnap -	27 Nov. 1834	—	24	5	—	Enniskillen -	Kent -	ditto.
Bowman, Geo. A.	8 Dec. 1835	—	35	8	—	Nottawasaga	Simcoe	ditto.
Bowman, Abraham	7 Dec. 1825	—	37	10	—	ditto -	ditto -	ditto.
Bowman, Jacob -	8 Dec. 1825	—	31	6	—	ditto -	ditto -	ditto.
Bowman, Philip -	—	—	33	6	—	ditto -	ditto -	ditto.
Boice, Zachariah -	4 Sept. 1834	—	24	4	—	Enniskillen -	Kent -	ditto.
Boice, Nicholas -	—	—	24	1	—	ditto -	ditto -	ditto.
Bristnahan (1), Th.	28 Nov. 1835	28 May	E. ½ 20	10	100	Huntley -	Carleton	- - located by Hon. P. Robinson.
Bristnahan (2), Th.	—	—	W. ½ 21	9	—	ditto -	ditto -	ditto.
Boyle, Thomas -	—	—	{ ½ 24 ½ 25 }	10	—	ditto -	ditto -	ditto.
Barton, Joseph -	19 Jan. 1820	30 May	S. ½ 47	11	—	Nottawasaga	Simcoe	militia.
Brundage, Joseph	—	—	N. ½ 47	11	—	ditto -	ditto -	ditto.
Barnhart, Samuel	—	—	W. ½ 14	7	—	Belmont -	Northumberland	ditto.
Bradshaw, James -	—	—	E. ½ 14	2	—	ditto -	ditto -	ditto.
Buckley, Timothy	28 Nov. 1835	—	E. ½ 12	6	—	Ramsay -	Lanark -	- - located by Hon. P. Robinson.
Buckley, James -	—	—	W. ½ 1	12	—	Goulburn -	Carleton	ditto.
Barry, John -	—	—	W. ½ 6	6	—	ditto -	ditto -	ditto.
Benson, John -	—	—	E. ½ 7	10	—	Ramsay -	Lanark -	ditto.
Berkley, Gaspar -	19 Jan. 1820	31 May	N. ½ 30	11	—	Nottawasaga	Simcoe	militia.
Betteridge, Rev. W.	27 Nov. 1834	—	52 town lots.	- - -	29	Woodstock -	Oxford -	- - as an endowment to the rectory of Woodstock.
Buckley, Timothy	28 Nov. 1835	—	W. ½ 2	10	100	Goulburn -	Carleton	- - located by Hon. P. Robinson.
Bradshaw, James -	4 Oct. 1832	—	E. ½ 7	3	—	Verulam -	Durham -	discharged soldier.
Banks, Daniel -	7 Dec. 1830	1 June	W. ½ 7	5	—	Oro -	Simcoe	Crown land sale, 5 l.
Bulliss, Richard -	19 Jan. 1820	—	S. ½ 31	4	—	Nottawasaga	ditto -	militia.
Beatty, James -	7 Dec. 1830	3 June	4 town lots.	- - -	4	Sandwich -	Essex -	Crown land sale, 41 l. 4 s. 6 d.
Blott, James -	—	—	1 & 2	4	205	Dunn -	Haldimand -	ditto - ditto 199 l. 0 s. 3 d.
Burnham, Oliver -	—	—	Part 19	3	37	Cayuga -	ditto -	ditto - ditto 27 l. 15 s.
Browning, Thomas	—	—	4 town lots.	- - -	10	Brantford -	Wentworth -	ditto - ditto 40 l.
Bolton, Mercy -	21 Feb. 1821	—	S. ½ 17 & 18	11	200	Sombra	Kent	D. U. E.
Barnes, Benjamin	23 Dec. 1825	8 June	{ N. ½ 22 ½ 21 }	13 4	150	Cavan -	Durham -	reg ⁿ 5 January 1819.
Burke, Edmund -	2 June 1836	10 June	W. ½ 10	6	100	Marmora -	Hastings -	- - located by Hon. P. Robinson.
Belyea, James -	7 Dec. 1830	11 June	15	- - North Ontario-st.	sq. lks. 615,000	Bronte -	Halton -	Crown land sale, 8 l. 5 s.
Baker, William -	21 May 1834	—	{ 33 - - North Malden-rd. }	200	Colchester -	Essex -	discharged artificer.	
Bowbeer, Benjamin	16 July 1816	—	9	8	60	Warwick -	Kent -	reg ⁿ 6 July 1804.
Bolster, John -	12 May 1836	13 June	S. ½ 8	4	100	Smith -	Northumberland	- - located by Hon. P. Robinson.
Bell, John -	9 June 1836	—	8	7	200	Medonte -	Simcoe	discharged serjeant.
Bunton, Conway -	28 June 1832	—	E. ½ 5	5	100	ditto -	ditto -	discharged soldier.
Baker, Christr. -	19 Feb. 1818	—	E. ½ 11	3	—	Monaghan -	Northumberland	ditto.
Bogert, Gilbert C.	15 Dec. 1832	—	7	2	200	Harvey -	ditto -	S. U. E.
Barry, John -	5 May 1836	14 June	W. ½ 3	11	100	Huntly -	Carleton	discharged soldier.
Butter, John -	9 June 1836	—	18	4	200	Tosorontio	Simcoe	discharged serjeant.
Baldwin, Connel J.	25 Oct. 1828	—	{ Broken 13 & 14 }	18	138	Otonabee -	Northumberland	captain on half-pay.
Bilow, Catherine -	3 Dec. 1835	—	10	13	200	Colchester -	Essex -	D. U. E.
Baker, Sarah -	28 Nov. 1826	—	S. ½ 23 & 24	8	—	Sombra	Kent	ditto.
Babcock, John -	3 April 1834	—	11	8	—	Moore -	ditto -	S. U. E.
Brazil, Patrick -	6 Mar. 1822	—	Part 24	7	100	Tecumseth -	Simcoe	reg ⁿ 1 January 1820.
Brimsmead, Richard	9 June 1836	15 June	E. ½ 5	11	—	Medonte -	ditto -	discharged soldier.
Bailey, John -	—	—	6	12	200	ditto -	ditto -	discharged serjeant.
Bannon, John -	8 June 1832	—	W. ½ 17	10	100	Belmont -	Northumberland	discharged soldier.
Byrnes, James -	23 July 1832	—	S. ½ 16	7	—	Eldon -	Durham -	ditto.
Burney, George -	15 May 1832	—	E. ½ 28	4	—	Dummer -	Northumberland	ditto.
Bray, William -	10 Aug. 1832	—	W. ½ 14	6	—	Adelaide -	Middlesex -	ditto.
Batterham, Wm. -	18 July 1834	—	Part 1	5	—	ditto -	ditto -	ditto.

(continued)

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Bulger, John -	23 July 1832	1836: 15 June	w. $\frac{1}{2}$ 10	7	100	Adelaide -	Middlesex -	discharged soldier.
Brady, Joseph -	2 Aug. 1832	—	E. $\frac{1}{2}$ 13	6	—	ditto -	ditto -	ditto.
Burke, Edward -	—	—	10	6	200	ditto -	ditto -	discharged serjeant.
Birdsall, Anthony -	18 Aug. 1819	—	15	10	—	Otonabee -	Northumberl.	reg ^{ns} 5 January 1819.
Burgess, Henry -	19 May 1836	16 June	3	4	—	Smith -	ditto -	- located by Hon. P. Robinson.
Brundage, Samuel	—	—	78	Talbot-road	—	Howard -	Kent -	located by Col. Talbot.
Brady, Charles J.	13 June 1836	—	14	King-street	$\frac{1}{2}$	London -	Middlesex -	- patent fee and survey paid.
Brennan, Michael	6 Oct. 1831	—	E. $\frac{1}{2}$ 37	13	100	Smith -	Northumberl.	discharged soldier.
Broffey, James -	6 Feb. 1830	—	w. $\frac{1}{2}$ 7	6	—	Marmora -	Hastings -	ditto.
Body, Michael -	23 July 1832	—	E. $\frac{1}{2}$ 1	3	—	Adelaide -	Middlesex -	ditto.
Baker, Jeremiah -	2 Aug. 1832	—	w. $\frac{1}{2}$ 2	2	—	ditto -	ditto -	ditto.
Brown, James -	—	—	E. $\frac{1}{2}$ 17	2	—	ditto -	ditto -	ditto.
Blizzard, John -	12 Jan. 1822	—	w. $\frac{1}{2}$ 18	2	—	Otonabee -	Northumberl.	- patent fee and survey paid.
Bowlby, Daniel -	13 June 1836	17 June	42	Talbot-road	200	Southwold -	Middlesex -	ditto.
Backus, Stephen -	19 Jan. 1820	18 June	s. $\frac{1}{2}$ 6	12	100	Howard -	Kent -	militia.
Burke, Michael -	16 June 1836	—	25	King-street	$\frac{1}{2}$	London -	Middlesex -	patent fee and survey paid.
Bell, John -	14 Sept. 1825	—	{ E. $\frac{1}{2}$ 5 w. $\frac{1}{2}$ 25 }	12 14 }	200	Dawn -	Kent -	S. U. E.
Breakenridge, F. A.	7 Mar. 1833	—	13	3	—	Sarnia -	ditto -	ditto.
Bullis, William -	19 Jan. 1820	20 June	Part 4	12	100	Fitzroy -	Carleton -	militia.
Burton, William -	—	—	E. $\frac{1}{2}$ 6	5	—	ditto -	ditto -	ditto.
Benn, Florence -	19 Aug. 1833	—	30	5	200	Plympton -	Kent -	S. U. E.
Boyce, Jane -	18 May 1833	—	21	8	—	Brooke -	ditto -	D. U. E.
Burley, William -	26 Sept. 1831	—	{ N. $\frac{1}{2}$ 10 N. $\frac{1}{2}$ 2 }	11 10 }	—	Pakenham -	Carleton -	discharged serjeant.
Bull, Thomas -	14 Sept. 1825	—	{ w. $\frac{1}{2}$ 23 14 20 }	1 1 }	150	Nassagiweya	Halton -	reg ^{ns} 6 July 1804.
Baker, John -	19 Jan. 1820	—	w. $\frac{1}{2}$ 7	6	100	Fitzroy -	Carleton -	militia.
Blain, William -	4 Feb. 1830	21 June	N. $\frac{1}{2}$ 2	5	50	Toronto -	York -	clergy reserve sale, 50 l.
Black, William -	19 Jan. 1820	—	s. $\frac{1}{2}$ 2	3	100	Nottawasaga	Simcoe -	militia.
Brown, Margaret -	5 May 1831	—	24	3	200	Amaranth -	ditto -	D. U. E.
Bezer, Augustus -	6 Nov. 1834	—	23	4	—	Collingwood	ditto -	discharged artificers.
Birdsall, William	18 June 1817	—	10	4	—	Toronto -	York -	patent fee and survey paid.
Baycroft, George -	1 July 1830	22 June	w. $\frac{1}{2}$ 19	9	100	Tecumseth -	Simcoe -	discharged gunner.
Burgess, Daniel -	20 June 1836	23 June	E. $\frac{1}{2}$ 1	4	—	Smith -	Northumberl.	- located by Hon. P. Robinson.
Brown, Jonas -	13 June 1833	—	w. $\frac{1}{2}$ 18	10	—	Vespra -	Simcoe -	discharged soldier.
Byrnes, John -	23 July 1832	—	57 & 58	2	200	Medonte -	ditto -	discharged serjeant.
Blakely, Sophia -	30 May 1834	—	24	12	—	Enniskillen -	Kent -	D. U. E.
Blakely, John -	—	—	21	12	—	ditto -	ditto -	S. U. E.
Blakely, Samuel -	—	—	20	12	—	ditto -	ditto -	ditto.
Bell, Wm. C. -	11 April 1833	—	85	West	—	Tiny -	Simcoe -	discharged artificer.
Bell, John -	19 Jan. 1820	24 June	16	12	—	Harvey -	Northumberl.	militia serjeant.
Bannister, David -	20 June 1833	—	s. $\frac{1}{2}$ 76	East	100	Tay -	Simcoe -	discharged soldier.
Babcock, James -	2 June 1831	—	{ Part 12 23 }	4 3 }	200	Adelaide -	Middlesex -	S. U. E.
Bussell, John -	8 Sept. 1819	25 June	13	9	—	Trafalgar -	Halton -	- patent fee and survey paid. Reg ^{ns} 6 July 1804.
Barreger, Henry -	19 Jan. 1820	27 June	{ $\frac{1}{4}$ 2 Part 4 }	14	100	Hungerford -	Hastings -	militia.
Buck, George -	13 June 1836	—	E. $\frac{1}{2}$ 19	10	—	Otonabee -	Northumberl.	- located by Hon. P. Robinson.
Barber, George A.	7 Dec. 1830	28 June	10	Dunlop-st.	$\frac{1}{2}$	Barrie -	Simcoe -	Crown land sale, 12 l. 15 s.
Bull, Edward -	29 Sept. 1819	29 June	19	1	200	Nassagiweya	Halton -	patent fee and survey paid.
Blake, Thomas -	4 Aug. 1831	30 June	{ w. $\frac{1}{2}$ 19 E. $\frac{1}{2}$ 22 }	3 5 }	—	Caledon -	York -	discharged serjeant.
Buckham, John -	3 Jan. 1833	5 July	15	4	—	Torbolton -	Carleton -	- patent fee and survey paid. Reg ^{ns} 6 July 1804.
Baird, Andrew -	19 Feb. 1817	6 July	w. $\frac{1}{2}$ 33	2	100	Elizabeth Town	Leeds -	ditto.
Boyce, Lemuel -	2 Oct. 1834	9 July	2	7	200	St. Vincent -	Simcoe -	S. U. E.
Burnham, Lyman	18 June 1836	13 July	A tract	-	217	Canborough	Haldimand -	Indian land claimant.
Briggs, Nath. C. -	16 June 1836	—	-	-	156	ditto -	ditto -	ditto.
Burnham, Avary -	—	14 July	-	-	71	ditto -	ditto -	ditto.
Burnfield, James -	24 Jan. 1833	18 July	14	6	200	Medonte -	Simcoe -	discharged serjeant.
Baldwin, Josiah -	19 Jan. 1820	23 July	{ $\frac{1}{4}$ 1 $\frac{1}{4}$ 4 }	11 12 }	100	Chatham -	Kent -	militia.
Bradshaw, Jephtha	4 Nov. 1818	30 July	25	2	200	Dawn -	ditto -	S. U. E.
Bellinger, Clarissa	28 Oct. 1835	—	s. $\frac{1}{2}$ 16 and 17	10	—	Sombra -	ditto -	D. U. E.
Coons, George -	19 Jan. 1820	5 April	E. $\frac{1}{2}$ 12	9	100	Plympton -	Kent -	militia.
Coons, Jacob -	—	—	w. $\frac{1}{2}$ 12	9	—	ditto -	ditto -	ditto.
Cliffin, Luther -	—	—	N. $\frac{1}{2}$ 9	1	—	Pembroke -	Lanark -	ditto.
Clinansmith, Jacob	—	—	12	1	200	Brooke -	Kent -	militia serjeant.
Crowder, Paul -	30 May 1834	—	13	4	—	Harvey -	Northumberl.	S. U. E.
Carpenter, Peter -	7 Dec. 1830	6 April	16	Eighth-st.	1	Cornwall -	Stormont -	Crown land sale, 10 l.
Chambers, Robert	4 Feb. 1836	—	27	5	200	Enniskillen -	Kent -	S. U. E.
Chambers, Amos -	—	—	27	4	—	ditto -	ditto -	ditto.
Cronk, John, heir-at-law of Jacob Cronk.	- 74th claim, commissioners' report in July 1835.	—	12	5	—	Cramahe -	Northumberl.	reg ^{ns} prior to July 1796.

SALE OF LANDS IN UPPER CANADA.

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NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Caverly, Joseph R. Calton, Richard -	29 Sep. 1824 7 Dec. 1830	1836: 6 April 7 April	24 22 25	10 Dalhousie-st. 1	200 $\frac{1}{2}$	Hungerford - Brantford -	Hastings - Wentworth -	S. U. E. Crown land sale, 16l. 7s. 6d.
Caldwell, William	19 Jan. 1820	7 April	E. $\frac{1}{2}$ 23 24, 26, 27.	2	500	Mulmur -	Simcoe	militia (captain).
Carscallen, John E. Clements, Gustavus Caton, Thomas - Caldwell, John M.	18 May 1833 11 Aug. 1831 19 Jan. 1820 8 Jan. 1835	8 April — 13 April —	13 W. $\frac{1}{2}$ 14 S. $\frac{1}{2}$ 31 Parts 21, 22	4 5 11 1	200 100 — 170	Enniskillen - Gloucester - Hungerford - Marlborough	Kent - Russell - Hastings - Grenville -	S. U. E. discharged soldier. militia. -- In compensation for 150 acres covered with water granted to his de- ceased brother. -- Patent fee and survey paid reg ^s 6 July 1804.
Coleman, Thomas, assignee of E. F. Soles.	--71st claim, commission- ers' report in July 1832.	16 April	35	Pinnacle-st.	$\frac{1}{2}$	Belleville -	Hastings -	-- Patent fee and survey paid reg ^s 6 July 1804.
Collins, Margaret -	28 Feb. 1835	18 April	Brok. 1 Parts 5 & 6.	8 4	200	Sandwich -	Essex -	S. U. E.
Cromwell, James - Cartier, Claude - Conway, Francis - Crumb, Benjamin Cole, Isaac -	19 Jan. 1820 5 Sep. 1833 18 Aug. 1819 6 Sep. 1832 19 Jan. 1820	19 April — — 9 May 17 May	N. $\frac{1}{2}$ 8 9 S. $\frac{1}{2}$ 6 9 17	11 5 10 3 1	100 200 100 200 200	Howard - Moore - W. Gwillimbury Warwick - Harvey -	Kent - ditto - Simcoe - Kent - Northumberl ^d	militia. discharged serjeant. to have patent free. S. U. E. militia serjeant.
Cameron, Allan -	21 Feb. 1832	—	N. $\frac{1}{2}$ 1 W. $\frac{1}{2}$ 2	1 2	—	Sarnia -	Kent -	S. U. E
Clark, Ann -	5 Nov. 1828	—	19	9	—	Enniskillen -	ditto -	D. U. E.
Caughel, John -	3 April 1834	18 May	2	6	—	Sarnia -	ditto -	S. U. E.
Calvert, Margaret Chambers, Robert	4 July 1833 19 Jan. 1820	— 24 May	26 W. $\frac{1}{2}$ 28	2 —	— 100	ditto - Enniskillen -	ditto - ditto -	D. U. E. militia.
Campbell, Alex. -	—	—	$\frac{1}{2}$ 6 $\frac{1}{2}$ 30	2 8	—	Osgoode -	Russell -	ditto.
Castleman, John T. Cook, Edward -	— —	— —	W. $\frac{1}{2}$ 5 N. $\frac{1}{2}$ 25	10 11	— —	Moore - Hungerford -	Kent - Hastings -	ditto. ditto.
Crowder, Andros - Campbell, John - Coleman, Thomas -	6 Dec. 1832 2 Oct. 1834 17 Sep. 1823	— — —	24 13 1, 2, 3, 4	4 12 7	200 — 800	Collingwood Enniskillen - Dover -	Simcoe - Kent - ditto -	S. U. E. ditto. -- Captain Canadian Light Dragoons.
Campbell, Cath. - Cook, Sally - Cone, Mary - Campbell, Eleanor Campbell, Lanor -	6 Sep. 1832 24 Nov. 1832 28 April 1815 2 Oct. 1834 6 Sep. 1832	— — — — —	27 20 18 13 29	4 5 4 13 4	200 — — — —	Marlborough Madoc - ditto - Enniskillen - Marlborough	Grenville - Hastings - ditto - Kent - Grenville -	D. U. E. S. U. E. D. U. E. ditto. ditto.
Clow, Jane -	1 May 1834	—	4 Part 30	B. E.	200	Westmeath -	Lanark -	ditto.
Collings, Thomas - Collins, Thomas - Cozens, Nelson - Cozens, Matilda - Cozens, Emily - Cozens, Isaac B. - Cozens, Wm. Z. - Clench, Johnson - Casselman, Suffrenus Casselman, Martin S Casselman, Marg.	23 Dec. 1835 19 Dec. 1833 26 Dec. 1835 4 Sep. 1834 — — — 4 Dec. 1834 18 Mar. 1818 24 Nov. 1832 —	— 25 May — — — — — — — — —	W. $\frac{1}{2}$ 26 3 12 28 9 13 14 25 3 3 19	5 5 11 Front 11 11 11 1 3 3 4	100 200 — — — — — — — — — —	Ramsay - Gosfield - Cumberland - ditto - ditto - ditto - ditto - Warwick - Collingwood ditto - Ross -	ditto - Essex - Russell - ditto - ditto - ditto - ditto - Kent - Simcoe - ditto - Lanark -	military emigrant. S. U. E. ditto. D. U. E. ditto. S. U. E. ditto. ditto. ditto. ditto. D. U. E.
Carpenter, Cath. -	25 July 1833	26 May	E. $\frac{1}{2}$ 17 W. $\frac{1}{2}$ 18	13	200	Plympton -	Kent -	ditto.
Crouse, Oliver - Coll, William - Coll, James - Chisholm, David - Cook, Abraham - Clement, Geo. M. Clendennin, Wm. Cronkheit, Darius Comer, Henry - Carscallen, George	19 Jan. 1820 — — — 27 Dec. 1835 14 May 1830 27 June 1833 4 Sep. 1834 15 May 1835 4 July 1833	— — — — — — — — — —	E. $\frac{1}{2}$ 7 17 S. $\frac{1}{2}$ 20 W. $\frac{1}{2}$ 3 3 tracts 2 43 19 14 21	13 1 8 3 — 8 11 5 5 12	100 200 100 — 244 200 — — — —	Enniskillen - Sombra - ditto - Fitzroy - Brantford - Vespra - Nottawasaga Sombra - Harvey - Nottawasaga	ditto - ditto - ditto - Carleton - Wentworth - Simcoe - ditto - Kent - Northumberl ^d Simcoe -	militia. militia serjeant. militia. ditto. Indian land claimant. S. U. E. ditto. ditto. ditto. ditto.
Collins, John M. - Christie, Abijah - Cronkheit, Anthony Casselman, Eleanor Crowder, Nancy - Carson, Charles - Christy, Isaac - Clendennan, Cath. Cameron, Alex. - Clarke, William - Cronkheit, Alfred Card, Lorraine -	7 Aug. 1834 10 Oct. 1834 17 Mar. 1836 5 Feb. 1835 22 April 1831 4 Aug. 1831 4 Feb. 1830 17 Mar. 1836 19 Jan. 1820 12 May 1836 29 Sep. 1834 26 July 1820	— — — — — — 27 May — — — — —	E. $\frac{1}{2}$ 13 W. $\frac{1}{2}$ 18 22 18 7 21 Part 36 — 33 S. $\frac{1}{2}$ 33 W. $\frac{1}{2}$ 8 18 & 19 W. $\frac{1}{2}$ 12 2 town lots. 18 7 & 8	14 11 5 5 5 5 3 5 3 4 — 1 16	— — 200 100 — — 100 200 100 200 200 —	Enniskillen - ditto - Sombra - ditto - Belmont - Albion - Scarborough Dawn - Enniskillen - Woodstock - Nottawasaga Chatham -	Kent - ditto - ditto - ditto - Northumberl ^d York - ditto - Kent - ditto - Oxford - Simcoe - Kent -	ditto. ditto. ditto. ditto. D. U. E. discharged soldier. clergy res ^o sale, 75 l. D. U. E. militia. free. S. U. E. D. U. E.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836:						
Carroll, Apalona -	17 April 1832	27 May	16 10	1 4	400	Warwick	Kent	- - D. U. E. reg ^{ns} , 2
Campbell, William	20 Oct. 1832	—	s. $\frac{1}{2}$ 61	1	100	Flos	Simcoe	Dec. 1797.
Cronin, Michael -	28 Nov. 1835	28 May	w. $\frac{1}{2}$ 18	10	—	Huntley	Carleton	discharged soldier.
								- - located by Hon. P. Robinson.
Church, Jon ^a M. -	19 Jan. 1820	30 May	$\frac{1}{4}$ 4 $\frac{1}{4}$ 6	8 9	100	Landsdown	Leeds	militia.
Canadian, Jean B. -	—	—	w. $\frac{1}{2}$ 31	North Mal-	—	Colchester	Essex	ditto.
				den-road.				
Cadet, Joseph -	—	—	118, Part 119.	3	—	Sandwich	ditto	ditto.
Corkery, Michael -	28 Nov. 1835	—	w. $\frac{1}{2}$ 10	3	—	Ramsay	Lanark	- - located by Hon. P. Robinson.
Collins, Daniel -	—	—	E. $\frac{1}{2}$ 1	12	—	Goulburn	Carleton	ditto.
Collins, Richard -	—	—	w. $\frac{1}{2}$ 1	11	—	ditto	ditto	ditto.
Carnes, Jacob -	19 Jan. 1820	31 May	w. $\frac{1}{2}$ 31	5	—	Nottawasaga	Simcoe	militia.
Campbell, Malcolm	30 Aug. 1820	—	s. $\frac{1}{2}$ 6	1	—	Ekfrid	Middlesex	reg ^{ns} prior to July 1796.
Cusick, Annever -	28 Nov. 1835	—	E. $\frac{1}{2}$ 1	5	—	Pakenham	Carleton	- - located by Hon. P. Robinson.
Collins, Cornelius -	—	—	2	12	160	Goulburn	ditto	ditto.
Connell, William -	—	—	w. $\frac{1}{2}$ 1	10	100	ditto	ditto	ditto.
Cunningham, Roger	—	—	5	11	200	ditto	ditto	ditto.
Cole, Simon -	7 Dec. 1830	1 June	30	North Base-	101	Big Islands	—	Crown land sale, 777. 8s. 8d.
				line.				
Cole, Zachariah -	—	—	29	—	100	ditto	—	Crown land sale, 1547. 17s. 4d.
Carn, Jacob -	—	—	31	—	102	—	—	—
			Part 7	2	50	Oxford West	Oxford	Crown land sale, 437. 15s.
Clark, George A. -	—	—	10	Wellington-	sq. lks. 23,666	Brantford	Wentworth	Crown land sale, 107. 5s.
				street.				
Campbell, Malcolm	—	—	s. $\frac{1}{2}$ 23	6	100	Carradoc	Middlesex	Crown land sale, 627. 10s.
Cook, Andrew -	—	—	8 & 9	2	59	Brantford	Wentworth	Crown land sale, 597. 10s.
Collett, Bartine -	19 Jan. 1820	—	s. $\frac{1}{2}$ 35	6	100	Nottawasaga	Simcoe	militia.
Cain, John -	—	—	s. $\frac{1}{2}$ 43	12	—	ditto	ditto	ditto.
Carr, Thomas, heir at law of Andrew Carr.	-- 43d claim, commissioners' report in July 1835.	—	E. $\frac{1}{2}$ 13	7	—	Otonabee	Northumberl ^d	patent fee and survey paid.
Corkery, Patrick -	28 Nov. 1835	—	E. $\frac{1}{2}$ 10	3	—	Ramsay	Lanark	- - located by Hon. P. Robinson.
Canby, Benjamin -	7 Dec. 1830	3 June	Parts 1, 2, 3, 4.	Indian re-	265	Canborough-	Haldimand	- - Crown land sale, 180.
				serve.				18s. 9d.
Clarke, John -	19 Jan. 1820	10 June	N. $\frac{1}{2}$ 28	1	100	Sombra	Kent	militia.
Condon, Richard -	12 May 1836	—	w. $\frac{1}{2}$ 21	6	—	Otonabee	Northumberl ^d	- - located by Hon. P. Robinson.
Carthew, John -	2 Aug. 1832	—	17	9 & 10	500	Medonte	Simcoe	late Lieut. Royal Navy.
			w. $\frac{1}{2}$ 16	10				
Cronk, Paul -	7 Dec. 1830	11 June	35	North Base-	98	Big Island	—	Crown land sale, 737. 10s.
				line.				
Cole, Isaac -	28 Sep. 1820	—	7	6	200	Darling	Lanark	S. U. E.
Calder, David -	22 May 1832	—	Part 21, 23.	9	346	Brooke	Kent	- - late Lieut. 59th regt.
Caverley, Nathaniel	16 June 1834	—	30	South Mal-	200	Colchester	Essex	discharged artificer.
				den-road.				
Cummings, Thomas	9 May 1836	13 June	s. $\frac{1}{2}$ 14	4	100	Eldon	Durham	discharged soldier.
Coward, Samuel -	9 June 1836	—	E. $\frac{1}{2}$ 6	6	—	Medonte	Simcoe	ditto.
Cotter, Edward -	12 May 1836	—	w. $\frac{1}{2}$ 10	6	—	Douro	Northumberl ^d	- - located by Hon. P. Robinson.
Cockburn, Joseph-	12 June 1832	—	64	1	200	Medonte	Simcoe	discharged serjeant.
Carr, John -	3 Nov. 1831	—	10	11	100	Eldon	Durham	discharged soldier.
Crowe, John B. -	7 Dec. 1830	14 June	w. $\frac{1}{2}$ 19 E. $\frac{1}{2}$ 22	17	357	Harvey	Northumberl ^d	Crown land sale, 907. 14s. 9d.
			20	16				
Cudney, Daniel -	19 Jan. 1820	—	w. $\frac{1}{2}$ 1	13	100	Nissouri	Oxford	militia.
Callighan, Thomas	12 May 1836	—	1	2	200	Marmora	Hastings	- - located by Hon. P. Robinson.
Curry, George -	5 April 1832	—	w. $\frac{1}{2}$ 5	5	100	Nassaggiweya	Halton	discharged soldier.
Cledesdale, William	11 Aug. 1831	—	N. $\frac{1}{2}$ 17	5	—	Dummer	Northumberl ^d	discharged gunner.
Cowley, George -	28 April 1832	—	E. $\frac{1}{2}$ 15	2	—	Nelson	Halton	ditto.
Chisholm, Robert -	3 July 1834	—	32 $\frac{1}{4}$ 27	5 7	200	Essa	Simcoe	discharged artificer.
Cavers, James -	7 Aug. 1834	15 June	w. $\frac{1}{2}$ 1	4	100	Adelaide	Middlesex	discharged soldier.
Cully, John -	2 Aug. 1832	—	E. $\frac{1}{2}$ 7	5	—	ditto	ditto	ditto.
Carmichael, Charles	20 Sep. 1820	16 June	s. $\frac{1}{2}$ 11	8	—	Lobo	ditto	- - patent fee and survey paid; reg ^{ns} 1 Jan. 1820.
Coffey, Gilbert -	17 Nov. 1819	—	N. $\frac{1}{2}$ 21	4	—	Tecumseth	Simcoe	- - patent fee and survey paid; reg ^{ns} 6 July 1804.
Curry, James -	23 June 1824	—	E. $\frac{1}{2}$ 1	6	—	Adjala	ditto	ditto.
Costello, Michael -	9 June 1836	—	N. $\frac{1}{2}$ 9	6	—	Ennismore	Northumberl ^d	- - located by Hon. P. Robinson.
Cotter, William -	—	—	w. $\frac{1}{2}$ 11	9	—	Belmont	ditto	ditto.
Connors, Timothy	13 June 1836	—	w. $\frac{1}{2}$ 3	9	—	Emily	Durham	ditto.
Crummer, John -	10 Aug. 1832	—	w. $\frac{1}{2}$ 6	2	—	Adelaide	Middlesex	discharged soldier.
Carrigan, Hugh -	2 Aug. 1832	—	E. $\frac{1}{2}$ 1	4	—	ditto	ditto	ditto.
Coates, Mary -	4 Feb. 1836	17 June	w. $\frac{1}{2}$ 13	6	—	Vespra	Simcoe	soldier's widow.

SALE OF LANDS IN UPPER CANADA.

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NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836:						
Campbell, Patrick	2 Aug. 1832	17 June	3	2	200	Adelaide	Middlesex	discharged serjeant.
Clement, Martin	19 Jan. 1820	18 June	E. ½ 16	1	100	Hinchinbrooke	Frontenac	militia.
Conklin, Thomas	—	—	w. ½ 28	2	—	Marmora	Hastings	ditto.
Carling, Isaac	16 June 1836	—	17	York-street	½	London	Middlesex	patent fee and survey paid.
Casselmann, William	27 Nov. 1834	—	29	1	200	Fenelon	Durham	S. U. E.
Cameron, Alex.	22 May 1832	—	{N. ½ 7 S. ½ 7}	4	—	Mara	Simcoe	ditto.
Campbell, Francis	5 May 1819	—	25	2	—	Chinquacousy	York	ditto.
Cass, Joseph	7 Dec. 1830	—	{E. ½ 13 W. ½ 14}	10	—	Plympton	Kent	ditto.
Collard, Abraham	27 June 1833	—	25	2	—	Marmora	Hastings	ditto.
Castle, Henry Jas.	7 Dec. 1830	20 June	39	11	15	Collingwood	Simcoe	Crown land sale, 31. 18s. 9d.
Culp, William	19 Jan. 1820	—	w. ½ 29	6	100	Garrafraxa	Halton	militia.
Cook, George	—	—	Rear ½ 21	7	—	Beckwith	Lanark	ditto.
			26, 27, } 28, 29 }	8				
Creighton, Ogden	4 Feb. 1836	—	27, 29 } 26	9	809	Mara	Simcoe	late captain 81st regiment.
			Part 23 } N. ½ 20 }	11	238	- Between Be- verly & Puslinch	Halton	
Condon, James	13 June 1836	—	w. ½ 25	12	100	Otonabee	Northumberl.	- - located by Hon. P. Robinson.
Carling, Thomas	—	—	26	6	200	London	Middlesex	located by Col. Talbot.
Carpenter, Lewis	25 July 1833	—	E. ½ 18	13 and 14	—	Plympton	Kent	S. U. E.
Chamberlain, Jas.	27 Aug. 1833	—	30	3	—	ditto	ditto	ditto.
Cock, Robert	7 Aug. 1834	—	{Part 11 10	5	369	Seymour	Northumberl.	lieutenant, Royal Navy.
Crowder, Anthony	10 Mar. 1834	21 June	22	3	200	Collingwood	Simcoe	S. U. E.
Caldwell, Aaron	27 Nov. 1834	—	43	10	—	Nottawasaga	ditto	discharged artificer.
Cameron, Angus	17 Nov. 1830	22 June	16	11	150	Richmond	- Lenox and Addington.	discharged serjeant.
Crow, Joseph	27 June 1833	—	{S. ½ 6 S. ½ 7}	13	200	Sunnidale	Simcoe	discharged shipwright.
Campbell, Peter S.	19 Jan. 1820	23 June	E. ½ 33	1	100	Chinquacousy	York	militia.
Cain, Hugh	8 Aug. 1833	—	8	12	200	Sunnidale	Simcoe	discharged serjeant.
Clark, Robert	12 July 1831	—	81	West	—	Tiny	ditto	ditto.
Orichton, John	26 July 1820	—	½ 4	5	50	Caledon	York	free.
Connolly, John	16 June 1836	—	S. ½ 18	10	100	Emily	Durham	discharged soldier.
Cooper, John	2 Feb. 1832	24 June	w. ½ 12	3	—	Caledon	York	ditto.
Cordingley, David	21 April 1819	25 June	w. ½ 10	10	—	Trafalgar	Halton	- - patent fee and survey paid. Reg ^{ns} 6 July 1804.
Clookey, George	26 Oct. 1825	—	S. ½ 6	8	—	Innisfil	Simcoe	ditto.
Crowe, John B.	7 Dec. 1830	27 June	23	10	175	Verulam	Durham	Crown land sale, 52l. 10s.
Cronk, John	19 Jan. 1820	—	{Part 11 2}	14	100	Hungerford	Hastings	militia.
Cameron, Finlay	21 April 1819	—	E. ½ 10	5	—	Toronto	York	- - patent fee and survey paid. Reg ^{ns} 6 July 1804.
Carman, George	2 Dec. 1830	—	9	2	200	Essa	Simcoe	S. U. E.
Cook, Andrew	20 June 1836	28 June	A tract	-	102	Brantford	Wentworth	Indian land claimant.
Curley, Hugh	3 May 1832	—	Part 14	4	100	Tyendinaga	Hastings	discharged soldier.
Cooper, George	21 Dec. 1825	29 June	E. ½ 26	8	—	Albion	York	Reg ^{ns} 31 January 1824.
Coane, James	4 Oct. 1832	30 June	w. ½ 7	6	—	Caledon	ditto	discharged soldier.
Clement, Lewis J.	4 Feb. 1830	1 July	N. ½ 16	1	—	Innisfil	Simcoe	clergy reserve sale, 37l. 10s.
Connor, Anne, daughter of Thos. Lloyd, deceased.	- 64th claim, commission- ers report in July 1834.	5 July	½ 20	2	50	Hallowel	Prince Edward	military claimant.
Cozens, Diana	4 Sept. 1834	9 July	Part 29	Front	200	Cumberland	Russell	D. U. E.
Cornwell, Nathaniel	11 Mar. 1819	12 July	w. ½ 10	3	100	Chinquacousy	York	patent fee and survey paid.
Conger, Willson	10 June 1797	19 July	14	1	200	Hungerford	Hastings	ditto.
Cowell, William	2 June 1836	25 July	15	4	100	Saltfleet	Wentworth	- - patent fee & survey paid. Reg ^{ns} prior to July 1796.
Carscallen, Eliz.	2 Jan. 1834	—	4	4	200	Collingwood	Simcoe	D. U. E.
Cozens, Julia A.	4 Sept. 1834	26 July	3	11	—	Cumberland	Russell	ditto.
Cozens, Margaret	—	—	4	11	—	ditto	ditto	ditto.
Cozens, Alex. F.	3 Mar. 1836	—	6	9	—	ditto	ditto	S. U. E.
Cozens, Christy A.	18 Feb. 1836	27 July	A	11	—	ditto	ditto	D. U. E.
Coll, Jesse	19 Jan. 1820	28 July	N. ½ 10	2	100	Sombra	Kent	militia.
Clarke, Hannah	4 Feb. 1830	—	96	9	176	Malden	Essex	D. U. E.
Cook, Elias	28 Feb. 1833	29 July	5	6	200	Nottawasaga	Simcoe	S. U. E.
Campbell, Archibald	11 Feb. 1836	—	18	1	—	Marmora	Hastings	ditto.
Cronyn, Thomas	28 July 1836	—	14	King-street	½	London	Middlesex	patent fee and survey paid.
Craftford, Phoebe	24 April 1833	—	13	5	200	Warwick	Kent	D. U. E.
Cass, Simeon	5 Feb. 1835	—	3	7	—	Cumberland	Russell	ditto.
Craftford, John	24 April 1833	—	11	2	—	Warwick	Kent	S. U. E.
Crowder, Mary	19 Dec. 1833	—	38	7	—	Nottawasaga	Simcoe	D. U. E.
Cannon, William	5 May 1836	30 July	1	5 and 6	400	Belmont	Northumberl.	- - hospital assistant to the forces.
Campbell, Henry	24 Nov. 1832	—	N. ½ 19 and 20	7	200	Colchester	Essex	S. U. E.
Dewitt, Mary	8 Aug. 1833	2 April	S. ½ 3	7	100	Flos	Simcoe	pensioner's widow.
Durham, James	8 Sept. 1819	—	E. ½ 32	10	—	Esquesing	Halton	patent fee and survey paid.
Derham, William	2 Aug. 1832	4 Ap il	w. ½ 13	3	—	Huntley	Carleton	discharged soldier.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836:						
Doan, Timothy -	3 Nov. 1831	5 April	1	3	200	Mulmur -	Simcoe -	S. U. E.
Delaseras, Valentine -	21 Mar. 1831	6 April	w. $\frac{1}{2}$ 26	11	100	Huntley -	Carleton -	discharged serjeant.
Dafoe, Calvin -	10 Mar. 1834	9 April	31	9	200	Collingwood -	Simcoe -	S. U. E.
Davis, Thomas -	4 April 1821	11 April	21	5	—	Warwick -	Kent -	ditto.
Durkee, Elizabeth	6 Dec. 1832	—	{ E. $\frac{1}{2}$ 13 w. $\frac{1}{2}$ 15	6 8	—	Garrafraxa -	Halton -	D. U. E.
Daly, William -	5 May 1819	12 April	w. $\frac{1}{2}$ 6	1	100	Chinquacousy -	York -	patent fee and survey paid.
Duchesne, Thomas -	19 Jan. 1820	13 April	Part 147	3	58	Sandwich -	Essex -	militia.
Dwyer, Ellen -	4 Feb. 1836	—	n. $\frac{1}{2}$ 13	7	100	Dummer -	Northumberl.	soldier's widow.
DelTourneaux, P. J.	4 Feb. 1830	21 April	n. $\frac{1}{2}$ 9	2	—	Tilbury East -	Kent -	clergy reserve sale, 50 l.
Dennis, William -	23 Dec. 1835	29 April	A tract	—	378	On Grand River	Haldimand -	Indian land claimant.
Denyes, Peter -	19 Jan. 1820	6 May	s. $\frac{1}{2}$ 14	4	100	Collingwood	Simcoe -	militia.
			Part of 24, 25, 26, 27, 28.	3				
Digby, John C. -	7 Dec. 1830	7 May	Part of 25, 26, 27, 28.	4	191 $\frac{1}{2}$	Brantford -	Wentworth -	Crown land sale, 235 l.
Doan, Mahlon -	9 Oct. 1810	18 May	1	5	200	Sarnia -	Kent -	S. U. E.
Diamond, John -	6 Oct. 1831	—	{ w. $\frac{1}{2}$ 26 29	3 5	—	Moore -	ditto -	ditto.
Dobbs, Robert -	4 Feb. 1830	24 May	16	6	—	Yonge -	Leeds -	clergy reserve sale, 100 l.
Decow, Abner -	19 Jan. 1820	25 May	w. $\frac{1}{2}$ 31	2	100	Nottawasaga -	Simcoe -	militia.
Dafoe, Michael -	25 Jan. 1831	—	14	7	200	Madoc -	Hastings -	S. U. E.
Davis, John -	28 Oct. 1835	—	27	5	—	Sombra -	Kent -	ditto.
Dowdle, David -	1 Dec. 1831	—	{ Part 4 3	7 7	100	Albion -	York -	discharged soldier.
Doan, Michael -	8 Jan. 1835	—	4	5	200	Dover -	Kent -	discharged artificer.
Dorchimer, John -	19 Jan. 1820	—	s. $\frac{1}{2}$ 36	11	100	Nottawasaga -	Simcoe -	militia.
Dell, Edward -	24 Mar. 1836	—	n. $\frac{1}{2}$ 23	8	—	Bayham -	Middlesex -	located by Col. Talbot.
Douthwaite, George	15 Oct. 1819	—	E. $\frac{1}{2}$ 18	7	—	Albion -	York -	patent fee and survey paid.
Donaldson, David	19 April 1820	—	Part 1	20	—	Tiny -	Simcoe -	ditto.
Dunlop, James -	23 Dec. 1835	—	13	4	58	Nh. Sherbrooke	Lanark -	military emigrant.
Dunlop, Samuel -	—	—	E. $\frac{1}{2}$ 19	12	84	Lanark -	ditto -	ditto.
Davis, Catherine -	4 Feb. 1836	26 May	E. $\frac{1}{2}$ 7	1	100	Smith -	Northumberl.	discharged soldier.
Dopp, Henry -	19 Jan. 1820	30 May	s. $\frac{1}{2}$ 35	4	—	Nottawasaga -	Simcoe -	militia.
Decow, Abraham -	—	—	s. $\frac{1}{2}$ 16	7	—	Collingwood	ditto -	ditto.
Davey, Peter -	—	—	w. $\frac{1}{2}$ 1	8	—	Belmont -	Northumberl.	ditto.
Damby, Thomas -	7 July 1823	—	$\frac{1}{2}$ 13	5	50	Leeds -	Leeds -	free.
Donoghue, Jeffrey	28 Nov. 1835	—	E. $\frac{1}{2}$ 15	10	100	Huntley -	Carleton -	- - located by Hon. P. Robinson.
Dooland, John -	—	—	E. $\frac{1}{2}$ 1	11	—	Ramsay -	Lanark -	ditto.
Duff, Martha -	19 May 1836	31 May	Part 32	3	—	Amaranth -	Simcoe -	soldier's widow.
Dulmage, Richard	28 Nov. 1835	1 June	E. $\frac{1}{2}$ 5	10	—	Ramsay -	Lanark -	- - located by Hon. P. Robinson.
Dulmage, Garret -	—	—	w. $\frac{1}{2}$ 5	11	—	ditto -	ditto -	ditto.
Davidson, Andrew	19 Jan. 1820	3 June	s. $\frac{1}{2}$ 11	11	—	Collingwood	Simcoe -	militia.
Dixon, Alexander	14 Nov. 1831	6 June	{ n. $\frac{1}{2}$ 9 s. $\frac{1}{2}$ 16	12 14	200	W. Gwillimbury	ditto -	militia serjeant.
Dafoe, Elizabeth -	10 Mar. 1834	10 June	18	5	—	Plympton -	Kent -	D. U. E.
Davis, James S. -	28 Oct. 1835	—	20	4	—	Mulmur -	Simcoe -	S. U. E.
Dulyea, Mary -	2 Jan. 1834	—	{ Part 4 1	11 10	—	Richmond -	{ Lenox and Addington. }	D. U. E.
Dewitt, Abraham	4 Feb. 1830	11 June	35	7	—	Ernest Town	ditto -	clergy reserve sale, 140 l.
Dowman, Robert -	2 June 1836	13 June	n. $\frac{1}{2}$ 1	1	100	Tyendinaga -	Hastings -	- - located by Hon. P. Robinson.
Dagg, James -	23 May 1836	—	s. $\frac{1}{2}$ 14	11	—	London -	Middlesex -	located by Col. Talbot.
De la Motte, James	—	—	6	1	—	Perth -	Lanark -	patent fee and survey paid.
Driscoll, Florence	12 May 1836	—	E. $\frac{1}{2}$ 17	14	100	Otonabee -	Northumberl.	- - located by Hon. P. Robinson.
Devine, Anne -	23 May 1836	—	s. $\frac{1}{2}$ 5	6	—	Eldon -	Durham -	soldier's widow.
Davis, James -	8 June 1832	—	n. $\frac{1}{2}$ 8	12	—	W. Gwillimbury	Simcoe -	discharged soldier.
Daly, Thomas -	1 Aug. 1833	14 June	3	5	200	Moore -	Kent -	S. U. E.
Donegan, Patrick	10 Dec. 1832	—	n. $\frac{1}{2}$ 25	1	100	Tyendinaga -	Hastings -	discharged soldier.
Davis, Isaac -	25 Feb. 1819	15 June	E. $\frac{1}{2}$ 3	4	—	Chinquacousy	York -	patent fee and survey paid.
Dunwoody, George,	- 8th claim,	—	3	9	200	Essa -	Simcoe -	ditto.
assignee of James Brunker.	commissioners' report in July 1835.	—	—	—	—	—	—	—
Davidson, James -	29 April 1824	—	Part 16	2	100	Smith -	Northumberl.	reg ^{ns} 31 January 1824.
Daly, Rachel -	19 Dec. 1832	—	3	2	200	Enniskillen -	Kent -	D. U. E.
Deen, Emily -	19 Jan. 1833	—	22	9	—	Plympton -	ditto -	ditto.
Dillon, James -	13 June 1836	—	w. $\frac{1}{2}$ 1	7	100	Adelaide -	Middlesex -	discharged soldier.
Doan, Ebenezer -	4 Feb. 1830	16 June	E. $\frac{1}{2}$ 15	3	—	Et Gwillimbury	York -	clergy reserve sale, 87 l. 10 s.
Dailey, Owen -	9 June 1836	—	w. $\frac{1}{2}$ 20	7	—	Smith -	Northumberl.	- - located by Hon. P. Robinson.
Dailey, Andrew -	—	—	E. $\frac{1}{2}$ 20	7	—	ditto -	ditto -	ditto.
Downey, Henry,	- 1st claim,	17 June	E. $\frac{1}{2}$ 18	8	—	Albion -	York -	patent fee and survey paid.
heir-at-law of William Downey.	commissioners' report in July 1827.	—	—	—	—	—	—	—
Dunn, Patrick -	23 July 1832	—	w. $\frac{1}{2}$ 16	4	—	Vespra -	Simcoe -	discharged soldier.
Drury, Edward -	1 Sept. 1831	—	26	2	—	ditto -	ditto -	ditto.
Dunn, John -	2 Aug. 1832	—	E. $\frac{1}{2}$ 9	4	—	ditto -	ditto -	ditto.

SALE OF LANDS IN UPPER CANADA.

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NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836:						
Dowsley, Charlotte	7 Aug. 1828	18 June	19	4	200	Medonte	Simcoe	D. U. E.
Detlor, George	27 Aug. 1833	20 June	29	2	—	Plympton	Kent	S. U. E.
Drew, Esther	27 Mar. 1829	—	6	1	—	Flos	Simcoe	D. U. E.
Durrant, Samuel	20 June 1836	21 June	15	York-street	$\frac{1}{2}$	London	Middlesex	patent fee and survey paid.
Dolson, James M.	2 Oct. 1834	—	8	8	200	Collingwood	Simcoe	discharged artificer.
Douglas, John	20 June 1836	—	19	Bathurst-st.	$\frac{1}{2}$	London	Middlesex	patent fee and survey paid.
Daly, William	26 Aug. 1834	—	w. $\frac{1}{2}$ 18	7	100	Vespra	Simcoe	discharged soldier.
Duncan, Robert	2 Oct. 1834	22 June	w. $\frac{1}{2}$ 4 (E. $\frac{1}{2}$ 18)	5 2	—	Caledon	York	discharged serjeant.
Deverell, George	7 Dec. 1830	23 June	Part 16	4	103	Brantford	Wentworth	Crown land sale, 103 l.
Dillabough, John	19 Jan. 1820	24 June	s. $\frac{1}{2}$ 4	11	100	Mara	Simcoe	militia.
Dunn, John	23 July 1832	—	w. $\frac{1}{2}$ 14	5	—	Vespra	ditto	discharged soldier.
Dolan, Michael	21 Jan. 1832	—	Parts 18, 19, 20.	11	—	Essa	ditto	ditto.
Dixon, Alexander	7 Dec. 1830	25 June	7	Toronto-st.	$\frac{1}{2}$	Credit	York	Crown land sale, 26 l.
Douglass, William	28 Jan. 1819	—	4	3	200	Toronto	ditto	patent fee and survey paid.
Douglass, Peter	—	—	4	6	—	ditto	ditto	ditto.
Doyle, Thomas	2 Oct. 1834	28 June	30	6	—	Enniskillen	Kent	discharged artificer.
Doyle, Peter	27 June 1836	29 June	w. $\frac{1}{2}$ 14	10	100	Dummer	Northumberl.	discharged soldier.
Dafoe, David	30 May 1834	30 June	21	11	200	Belmont	ditto	S. U. E.
Dochstader, George	23 June 1836	2 July	A tract	—	112	Canborough	Haldimand	Indian land claimant.
Dochstader, Geo. H.	—	—	{ —	—	113 }	ditto	ditto	ditto.
Dempsey, John	18 June 1817	5 July	w. $\frac{1}{2}$ 15	2	100	Trafalgar	Halton	patent fee and survey paid.
Davis, Henry	19 Jan. 1820	23 July	w. $\frac{1}{2}$ 13	14	—	Enniskillen	Kent	militia.
Dustin, Paul	—	—	27	3	200	Sombra	ditto	militia (serjeant).
Durand, George	7 Dec. 1830	28 July	- Water lot.	—	sq. ft. 11,550	Sarnia	ditto	Crown land sale, 10 l.
Dixon, Mary E.	5 Nov. 1818	29 July	8	3	200	Nottawasaga	Simcoe	D. U. E.
Daily, Olive	28 Feb. 1834	—	9	8	—	ditto	ditto	ditto.
Dulmage, Elizabeth	25 Jan. 1834	—	41	10	—	ditto	ditto	ditto.
Edge, George	28 Feb. 1835	6 April	Part 27	Perth-street	10	Goulburn	Carleton	free.
Eastman, Nadab, and Wm. M'Glo- chon, executors of James Campbell.	- 104th claim, commission- ers' report in July 1833.	16 April	4	Harvey-st.	1	Perth	Lanark	patent fee and survey paid.
Elliot, John F.	31 July 1834	18 May	$\frac{3}{4}$ 24	12	150	Moore	Kent	Second lieutenant, R.M.
Eaman, George	9 July 1817	—	28	5	200	ditto	ditto	S. U. E.
Eaman, Lawrence	28 Oct. 1835	—	13	6	—	Plympton	ditto	ditto.
Elliott, James	18 Aug. 1819	25 May	26	Church-st.	$\frac{1}{2}$	Belleville	Hastings	reg ^{ns} 6 July 1804.
Elsworth, Ephraim	31 Mar. 1836	—	15	King-street	$\frac{1}{2}$	London	Middlesex	patent fee and survey paid.
Eligh, David	19 Jan. 1820	—	w. $\frac{1}{2}$ 7	4	100	Madoc	Hastings	militia.
Elsworth, Magdalen	4 April 1833	26 May	12	7	200	Moore	Kent	D. U. E.
Edwards, John	6 Dec. 1832	—	{ Part 24 24 }	13 10	100	Brock	York	discharged soldier.
Eligh, George	19 Jan. 1820	30 May	w. $\frac{1}{2}$ 30	5	—	Nottawasaga	Simcoe	militia.
Emery, St. Luke	4 Feb. 1830	1 June	$\frac{1}{4}$ 8	8	50	Dover	Kent	clergy reserve sale, 25 l.
Everitt, James	7 Dec. 1830	3 June	15	Gaul-street	1	Chatham	ditto	Crown land sale, 6 l.
Ellsmere, Joseph	5 July 1832	—	w. $\frac{1}{2}$ 1	4	100	Oro	Simcoe	discharged soldier.
Everitt, Daniel, as- signee of Gilbert Orser.	- 56th claim, commission- ers' report, 1833.	—	E. $\frac{1}{2}$ 17	Front	15	Kingston	Frontenac	military claimant.
Ellison, Catherine	25 July 1833	10 June	- Part 17 w. $\frac{1}{2}$ 18.	14	200	Plympton	Kent	D. U. E.
Eligh, David	6 Nov. 1834	14 June	18	7	—	Moore	ditto	S. U. E.
Empey, Thomas	19 Jan. 1820	15 June	24	10, 11 & 12	100	Mariposa	Durham	militia.
Evans, Charlotte	3 Nov. 1831	18 June	23	1	200	Amaranth	Simcoe	D. U. E.
Evans, Joseph	23 July 1832	24 June	E. $\frac{1}{2}$ 8	6	100	Medonte	ditto	discharged soldier.
Easton, Thomas	10 Aug. 1832	—	$\frac{1}{4}$ 3	9	50	Innisfil	ditto	ditto.
Eadie, Andrew	27 June 1836	28 June	A tract	—	97	Brantford	Wentworth	Indian land claimant.
Foster, James	7 July 1824	2 April	E. $\frac{1}{2}$ 9	14	100	Cavan	Durham	reg ^{ns} 31 July 1824.
Froat, John	19 Jan. 1820	5 April	41	Front	—	Plympton	Kent	militia.
Fraser, Thomas	11 July 1833	7 April	9	8	200	Enniskillen	ditto	S. U. E.
Floyd, Thomas	2 April 1835	9 April	10	8	—	Collingwood	Simcoe	discharged artificer.
Friday, John	19 Jan. 1820	11 April	s. $\frac{1}{2}$ 6	7	100	Innisfil	ditto	militia.
Feere, Sarah	19 Aug. 1833	14 April	26	2	200	Plympton	Kent	D. U. E.
Field, Gilbert	12 June 1822	18 April	11	6	—	Mosa	Middlesex	S. U. E.
Field, George	—	—	s.e. $\frac{1}{2}$ 11 and 12.	7	—	ditto	ditto	ditto.
Fay, Henry	7 Dec. 1830	28 April	19	- Dalhousie- street.	sq. lks. 20,000	Brantford	Wentworth	Crown land sale, 23 l. 13s. 6d.
Fyanes, Joseph	24 Oct. 1831	10 May	s. $\frac{1}{2}$ 4	14	100	Brock	York	discharged soldier.
Fairman, William	19 Jan. 1820	18 May	N. $\frac{1}{2}$ 30	9	—	Hungerford	Hastings	militia.
Felker, Frederick	—	19 May	Part 4	- South Mid- dle-road.	—	Maidstone	Essex	ditto.
Fralick, Robert	2 June 1819	—	17	11	200	Enniskillen	Kent	S. U. E.
Fraser, Donald	7 Feb. 1833	23 May	N. $\frac{1}{2}$ 18	13	100	Tecumseth	Simcoe	discharged soldier.
Flahler, Thomas	19 Jan. 1820	24 May	6	12	200	Sombra	Kent	militia (serjeant).
Frederick, Daniel	7 June 1826	—	37	Rear-street	$\frac{3}{4}$	Belleville	Hastings	patent fee and survey paid.
Field, Linus, heir- at-law of Nathan Field.	- Order, 71st claim, com- missioners' report, 1835.	—	2	6	200	South Gower	Grenville	reg ^{ns} 9 July 1796.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Foster, Edward & Daniel B.	30 May 1835	1836: 24 May	12	5	200	Walsingham	Norfolk	-- to make up the deficiency in another lot.
Fitzgerald, John	17 Mar. 1836	25 May	N. $\frac{1}{2}$ 4	7	100	London	Middlesex	patent fee and survey paid.
Frats, Elizabeth	17 Feb. 1825	—	6	5	200	Warwick	Kent	D. U. E.
Firman, Henry	19 Jan. 1820	26 May	S. $\frac{1}{2}$ 6	3	100	Collingwood	Simcoe	militia.
Ferguson, John H.	28 Oct. 1835	—	N. $\frac{1}{2}$ 30	12	200	Sombra	Kent	S. U. E.
Forshee, Hannah	2 Oct. 1834	—	S. $\frac{1}{2}$ 30	13		Belmont	-- Northumberland.	D. U. E.
Field, James	15 May 1835	—	-- w. $\frac{1}{2}$ 21, 22.	4	—	Amaranth	Simcoe	S. U. E.
Fortier, John	26 Dec. 1834	—	25	3	—	Nottawasaga	ditto	discharged artificer.
Foster, Edward	19 Jan. 1820	—	w. $\frac{1}{2}$ 7	9	100	Plympton	Kent	militia.
Fraser, Simon	—	—	w. $\frac{1}{2}$ 7	10	—	Fitzroy	Carleton	ditto.
Fraser, Alexander	4 Feb. 1830	27 May	S. $\frac{1}{2}$ 2	11	—	Plantagenet-Ramsay	Prescott	clergy reserve sale, 31 L. 5 s.
Foley, Patrick	28 Nov. 1835	—	27	2	92	—	Lanark	-- located by Hon. P. Robinson.
Flynn, James	—	—	9	12	188	ditto	ditto	ditto.
Foucher, Charles	31 July 1834	28 May	10	2	200	Hinchinbrooke	Frontenac	discharged artificer.
Forrest, James	28 Nov. 1835	—	w. $\frac{1}{2}$ 20	11	100	Huntley	Carleton	-- located by Hon. P. Robinson.
Forrest, Timothy	—	—	w. $\frac{1}{2}$ 21	11	—	ditto	ditto	ditto.
Fraser, Hugh	19 Jan. 1820	31 May	-- part 5 & 6.	14	56	Adelaide	Middlesex	militia.
Frymire, Conrad	—	—	E. $\frac{1}{2}$ 31	9	100	Nottawasaga	Simcoe	ditto.
Fink, Christian	—	7 June	E. $\frac{1}{2}$ 26	10	100	Enniskillen	Kent	ditto.
Fisher, Thomas	17 May 1820	10 June	part 23	9	—	Chatham	ditto	patent fee and survey paid.
Falconer, James	3 Dec. 1829	—	7	3	200	Melancthon	Simcoe	S. U. E.
Falvey, John	12 May 1836	—	E. $\frac{1}{2}$ 29	11	100	Otonabee	-- Northumberland.	-- located by Hon. P. Robinson.
Fisher, Henrietta	4 Sep. 1834	—	11	1	200	Belmont	ditto	D. U. E.
Fullarton, John	7 Dec. 1830	11 June	12	Monk-street	1	Kempenfeldt	Simcoe	Crown-land sale, 10 L.
Fogel, Israel	—	—	11	Davis-street	1	ditto	ditto	ditto.
Fant, Stephen	—	13 June	16	6	128	Cayuga	Haldimand	Crown-land sale, 105 L. 12 s.
			8	Talbot-road	sq. lks 25,000.	ditto	ditto	Crown-land sale, 10 L.
Fox, James	9 Jan. 1836	—	E. $\frac{1}{2}$ 8	11	100	Medonte	Simcoe	discharged soldier.
Fullerton, John	—	—	E. $\frac{1}{2}$ 7	9	—	ditto	ditto	ditto.
Fisher, Donald	17 Mar. 1836	—	15	1	200	MacNab	Carleton	regulations, 6 July 1804.
Fitzgerald, Maurice	12 May 1836	—	S. $\frac{1}{2}$ 7	8	100	Emily	Durham	-- located by Hon. P. Robinson.
Fitzgerald, Charles	9 June 1836	14 June	E. $\frac{1}{2}$ 4	6	—	Medonte	Simcoe	discharged soldier.
Fenton, James	9 May 1832	—	part 27	3	90	Caledon	York	ditto.
Farley, Patrick	11 Aug. 1831	—	E. $\frac{1}{2}$ 22	4	100	Douro	-- Northumberland.	ditto.
Ferguson, Hugh	19 Jan. 1820	15 June	w. $\frac{1}{2}$ 20	9	—	Essa	Simcoe	ditto.
Foley, Darby	22 Mar. 1825	—	23	3	200	Marmora	Hastings	patent fee and survey paid.
Foster, George	9 June 1836	16 June	22	13	—	Emily	Durham	discharged serjeant.
Fortunato, Angelo	2 Oct. 1834	—	$\frac{1}{4}$ 8	6	100	Marmora	Hastings	discharged soldier.
			$\frac{1}{4}$ 7	8		—	—	—
Franklin, John	19 Jan. 1820	18 June	w. $\frac{1}{2}$ 29	2	—	ditto	ditto	militia.
Franklin, William	—	—	E. $\frac{1}{2}$ 1	1	—	ditto	ditto	ditto.
Franklin, Henry	—	—	E. $\frac{1}{2}$ 29	3	—	ditto	ditto	ditto.
Ferguson, Maria	11 Feb. 1836	—	E. $\frac{1}{2}$ 5	5	200	Vespra	Simcoe	D. U. E.
			w. $\frac{1}{2}$ 6	4		—	—	—
Fraser, Henry	9 Jan. 1822	20 June	3	9	—	Fitzroy	Carleton	-- volunteer during the first American War.
Fennel, Robert	20 June 1836	21 June	23	York-street	$\frac{1}{2}$	London	Middlesex	patent fee and survey paid.
French, Samuel	5 July 1832	—	E. $\frac{1}{2}$ 7	4	100	Medonte	Simcoe	discharged soldier.
Foster, Thomas	12 Sep. 1833	—	E. $\frac{1}{2}$ 18	10	—	Vespra	ditto	ditto.
Fletcher, Dickinson	7 Dec. 1830	22 June	4	9	200	Toronto Gore	York	Crown-land sale, 162 L. 10 s.
Fraser, James	3 July 1834	—	E. $\frac{1}{2}$ 26	10	100	Torra	Oxford	discharged soldier.
Fraine, John	6 Sep. 1832	—	N. $\frac{1}{2}$ 11	4	—	Dummer	-- Northumberland.	ditto.
Frey, Amelia	11 Feb. 1836	23 June	E. $\frac{1}{2}$ 13	5	200	Plympton	Kent	D. U. E.
			E. $\frac{1}{2}$ 15	6		—	—	—
Ferguson, George-Flanagan, Patrick	23 Sep. 1831	—	E. $\frac{1}{2}$ 14	6	100	Oro	Simcoe	discharged soldier.
	2 Aug. 1832	—	10	3	55	- W ^t Gwillimbury.	ditto	ditto.
Ferguson, James	12 June 1832	—	E. $\frac{1}{2}$ 6	9	100	Medonte	ditto	ditto.
Fralick, Benjamin	19 Jan. 1820	24 June	S. $\frac{1}{2}$ 1	9	—	Tecumseth	ditto	militia.
Fraser, William	4 Aug. 1831	27 June	14	14	200	Oro	ditto	discharged serjeant.
Fletcher, Edward	2 June 1819	29 June	E. $\frac{1}{2}$ 2	2	100	Chiniquacousy	York	patent fee and survey paid.
Fitzgibbon, Thomas	8 June 1832	—	1	13	200	Oro	Simcoe	discharged serjeant.
Ferguson, Daniel	11 Feb. 1836	30 June	13	7	—	Belmont	-- Northumberland.	S. U. E.
Farr, Barton	16 June 1836	2 July	a tract	—	584	Canborough	Haldimand	Indian land claimant.
Fraser, William H.	7 May 1828	27 July	6	9	200	Collingwood	Simcoe	S. U. E.
Fleury, Henry	26 Dec. 1834	28 July	-- s. $\frac{1}{2}$ 18 & 19.	15	—	Tiny	ditto	discharged serjeant.
Farr, Barton	7 Dec. 1830	29 July	part 4	3	8	Cayuga	Haldimand	Crown-land sale, 6 L.
Frier, Simon	19 Jan. 1820	—	w. $\frac{1}{2}$ 3	9	100	Elzevir	Hastings	militia.
Foster, Elizabeth	18 July 1834	30 July	19	A	200	Raleigh	Kent	D. U. E.
			S. $\frac{1}{2}$ 25	9		—	—	—

SALE OF LANDS IN UPPER CANADA.

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NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Fuller, Daniel -	19 Jan. 1820	1836 : 30 July	E. $\frac{1}{2}$ 17	2	100	Enniskillen -	Kent -	militia.
Gunn, Charles -	7 Dec. 1830	4 Apr.	water lot	-	3	Hamilton -	Wentworth -	Crown land sale, 10 l.
Grawbarger, Peter -	19 Jan. 1820	6 Apr.	10	11	200	Fitzroy -	Carleton -	militia (serjeant),
Gould, Catherine -	18 May 1833	7 Apr.	26	7	-	Nottawasaga	Simcoe -	D. U. E.
Grant, Amos J. -	2 Oct. 1834	8 Apr.	14	7	-	Collingwood -	ditto -	discharged artificer.
Goodbody, Richard	24 Nov. 1824	10 Apr.	Broken 2, 3, 6 and 2 & 3	4	205	Sandwich -	Essex -	patent fee and survey pai
Graham, George, devizee of James Henderson.	- 117th claim, commission- ers' report 1835.	15 Apr.	w. $\frac{1}{2}$ 13	2	100	Toronto -	York -	ditto.
Gilbert, Isaac -	10 Jan. 1820	18 Apr.	w. $\frac{1}{2}$ 21	8	-	Enniskillen -	Kent -	militia.
Gipson, James -	4 Feb. 1836	-	22	-	100	Mosa -	Middlesex -	located by Col. Talbot.
Gibson, James -	-	-	s. $\frac{1}{2}$ 22	1	-	ditto -	ditto -	ditto.
Grant, John -	23 July 1832	21 Apr.	- N. $\frac{1}{2}$ s 16 & 17.	5	200	Gloucester -	Russell -	S. U. E.
Gadd, Thomas -	23 Dec. 1835	16 May	a tract	-	112	Brantford -	Wentworth -	Indian land claimant.
Gilles, Donald -	10 Nov. 1831	23 May	32	4	200	Eramosa -	Halton -	regulations, 22 Dec. 1797.
Gouin, Claude -	19 Jan. 1820	24 May	12 & 13 $\frac{1}{2}$ 14	1	450	Moore -	Kent -	militia (ensign).
Gates, Joseph -	-	25 May	N. $\frac{1}{2}$ 2	9	100	Sombra -	ditto -	ditto.
Groom, Zeph ^a -	3 Jan. 1833	-	10	-	200	Richmond -	- Lenox and Addington.	S. U. E.
German, John -	28 Feb. 1833	-	15	10	-	ditto -	ditto -	ditto.
Grant, William -	5 Feb. 1835	-	1	12	-	Moore -	Kent -	ditto.
Green, Benjamin -	6 Sep. 1832	-	21	1	-	Adelaide -	Middlesex -	ditto.
Grant, John -	23 July 1832	-	1	5	-	Medonte -	Simcoe -	discharged serjeant.
Gallinger, Margaret	19 Dec. 1833	-	18	4	-	Ross -	Lanark -	D. U. E.
Gale, Henry -	19 Jan. 1820	26 May	12	4	-	Nottawasaga	Simcoe -	militia (serjeant).
Green, Archibald	27 Nov. 1834	-	11	7	-	Enniskillen -	Kent -	S. U. E.
Griffiths, Michael -	4 Sep. 1832	-	w. $\frac{1}{2}$ 7	5	-	Adelaide -	Middlesex -	discharged soldier.
Gordon, Michael -	11 Feb. 1834	-	- s. $\frac{1}{2}$ s 1 & 2.	5	-	Camden -	Kent -	D. U. E.
Green, Braman -	27 Nov. 1834	-	10	6	-	Enniskillen -	ditto -	S. U. E.
Grant, Alexander -	10 Dec. 1823	-	18 & 19 15	11	-	Chatham -	ditto -	ditto.
Grant, Angus -	5 Feb. 1835	26 May	E. $\frac{1}{2}$ 19 w. $\frac{1}{2}$ 1	7 4	-	Medonte -	Simcoe -	ditto.
Gordon, John -	19 Jan. 1820	-	6	2	-	Collingwood -	ditto -	militia (serjeant).
Garrison, Catherine	3 Mar. 1836	28 May	8	4	-	ditto -	ditto -	D. U. E.
Gordon, Ephraim -	11 Feb. 1834	-	- N. $\frac{1}{2}$ s 1 & 2.	5	-	Camden -	Kent -	S. U. E.
Galloway, John -	7 Jan. 1824	-	24	4	-	Warwick -	ditto -	ditto.
Gregg, William -	28 Nov. 1835	-	w. $\frac{1}{2}$ 16	9	100	Huntley -	Carleton -	- located by Hon. P. Ro- binson.
Gilmore, William -	28 Feb. 1829	-	31	11	200	Nottawasaga	Simcoe -	S. U. E.
Gilmore, Henry -	8 Dec. 1835	-	30	8	-	ditto -	ditto -	ditto.
Griffin, John -	19 Jan. 1820	30 May	s. $\frac{1}{2}$ 1	3	100	ditto -	ditto -	militia.
Galvin, John -	28 Nov. 1835	-	E. $\frac{1}{2}$ 10	11	-	Ramsay -	Lanark -	- located by Hon. P. Ro- binson.
Green, Thomas -	-	-	N. $\frac{1}{2}$ 1	3	-	Fitzroy -	Carleton -	ditto.
Green (1), John -	-	-	E. $\frac{1}{2}$ 21	7	-	Pakenham -	ditto -	ditto.
Green (2), John -	-	-	E. $\frac{1}{2}$ 22	8	-	ditto -	ditto -	ditto.
Carlough, Stephen	19 Jan. 1820	-	N. $\frac{1}{2}$ 29	8	-	Nottawasaga	Simcoe -	militia.
Griffin, Isaiah -	-	31 May	s. $\frac{1}{2}$ 44	11	-	ditto -	ditto -	ditto.
Glassey, Bridget -	9 May 1836	-	E. $\frac{1}{2}$ 16	5	-	Vespra -	ditto -	soldier's widow.
Green, Busted -	28 Nov. 1835	-	w. $\frac{1}{2}$ 22	8	-	Pakenham -	Carleton -	- located by Hon. P. Ro- binson.
Galvin, Denis -	-	1 June	E. $\frac{1}{2}$ 15	11	-	Ramsay -	Lanark -	ditto.
Grant, Robert, & David Thorburn, executors of Wm. Dunbar.	- 33d claim, commission- ers' report 1835.	-	w. $\frac{1}{2}$ 19	10	200	Zorra -	Oxford -	patent fee and survey paid.
Green, John -	4 Feb. 1830	11 June	R. $\frac{1}{2}$ 13	10	100	Elizabeth Town	Leeds -	clergy reserve sale, 125 l.
Givens, James -	11 Aug. 1818	-	1 & 2 23	4 5	600	Chatham -	Kent -	regulations, 22 Dec. 1797.
Givens, Adolphus -	-	-	1 1 & 4	2 3	-	Moore -	ditto -	S. U. E.
Glass, Samuel -	14 Apr. 1836	13 June	17	King-street	$\frac{1}{2}$	London -	Middlesex -	patent fee and survey paid.
Goulding, James -	31 Mar. 1836	-	19	York-street	$\frac{1}{2}$	ditto -	ditto -	ditto.
Gordon, George -	7 Jan. 1836	-	Park 8	-	20	- - adjs Pe- netanguishine. Tiny.	Simcoe -	free.
Greggs, Eve -	19 July 1826	15 June	17	11	200	Harvey -	- Northumber- land.	D. U. E.
Gripton, Robert -	23 Aug. 1831	-	E. $\frac{1}{2}$ 13	7	100	Adelaide -	Middlesex -	discharged corporal.
Gibson, James -	10 Aug. 1832	16 June	w. $\frac{1}{2}$ 17	2	-	ditto -	ditto -	discharged soldier.
Glynn, Thomas -	2 Aug. 1832	-	w. $\frac{1}{2}$ 16	2	-	ditto -	ditto -	ditto.
Gee, Henry -	23 July 1832	-	E. $\frac{1}{2}$ 5	3	-	ditto -	ditto -	ditto.
Galloway, James -	10 Aug. 1832	17 June	E. $\frac{1}{2}$ 2	3	-	ditto -	ditto -	ditto.
Gillard, James -	4 Feb. 1830	18 June	N. $\frac{1}{2}$ 23	8	-	Norwich -	Oxford -	clergy reserve sale, 45 l.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order of Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Gunsolus, Nancy -	13 June 1818	1836 : 18 June	N. $\frac{1}{2}$ 32	9	200	Hungerford -	Hastings -	D. U. E.
Gilmore, Nancy -	20 May 1817	—	{ w. $\frac{1}{2}$ 23 E. $\frac{1}{2}$ 20	1 5	—	Nissouri -	Oxford -	ditto.
Green, Elizabeth -	23 Dec. 1825	—	22	3	—	Marmora -	Hastings -	ditto.
Garrison, Caleb -	19 Jan. 1820	20 June	Part 16	14	100	Hungerford -	ditto -	militia.
Griffin, Eben. C. -	31 Mar. 1824	—	{ w. $\frac{1}{2}$ 17 and 18 }	8	200	Garrafraxa -	Halton -	Reg ^{ns} 31 Jan. 1824.
Gruet, William -	6 Feb. 1830	—	22	13	—	Medonte -	Simcoe -	Indian interpreter.
Groom, John -	27 June 1833	—	5	7	—	Enniskillen -	Kent -	S. U. E.
Gibson, David -	19 Jan. 1820	21 June	N. $\frac{1}{2}$ 2	3	100	Nottawasaga	Simcoe -	militia.
Gouin, Anthony -	6 Nov. 1834	—	1	8	200	Collingwood	ditto -	discharged artificer.
Groves, John -	7 Dec. 1830	22 June	E. $\frac{1}{2}$ 3	7	100	Toronto Gore	York -	Crown land sale, 100 $\frac{1}{2}$.
Green, William -	19 Jan. 1820	23 June	w. $\frac{1}{2}$ 32	6	—	Dawn -	Kent -	militia.
Green, William -	1 Mar. 1832	—	32	5	200	ditto -	ditto -	S. U. E.
Gurnett, George -	7 Dec. 1830	25 June	12	Bury-street	$\frac{1}{2}$	Port Credit -	York -	Crown land sale, 12 $\frac{1}{2}$ 10s.
Graham, Thomas -	—	—	30	Dunlop-st.	$\frac{1}{4}$	Barrie -	Simcoe -	Crown land sale, 10 $\frac{1}{2}$ 5s.
Gates, Daniel -	12 July 1831	27 June	N. $\frac{1}{2}$ 9	7	100	Dummer -	Northumberl.	discharged soldier.
Garlock, Jacob -	19 Jan. 1820	28 June	S. $\frac{1}{2}$ 10	10	—	Mara -	Simcoe -	militia.
Gates, Henry -	27 June 1836	—	a tract	—	107	Brantford -	Wentworth -	Indian land claimant.
Gracey, John -	5 May 1819	—	E. $\frac{1}{2}$ 1	3	100	Albion -	York -	patent fee and survey paid.
Haviland, Esther -	17 Aug. 1816	2 April	12	4	200	Warwick -	Kent -	D. U. E.
Haviland, John -	7 Aug. 1816	—	11	3	—	ditto -	ditto -	S. U. E.
Hull, Samuel -	19 Jan. 1820	5 April	E. $\frac{1}{2}$ 7	9	100	Plympton -	ditto -	militia.
Hopper, Jemima -	28 Sep. 1832	—	22	6	200	Westmeath -	Lanark -	D. U. E.
Hawley, Martin, assignee of Russel Pitman.	- 90th claim, commission- ers' report, 1835.	6 April	E. $\frac{1}{2}$ 27	3	100	Ernest Town	Lenox&Addington	patent fee and survey paid.
Harris, James, as- signee of Adam Kidd.	- 33d ditto, 1834.	—	5	Church-st.	$\frac{1}{2}$	Belleville -	Hastings -	ditto.
Higgins, William	22 Aug. 1832	—	E. $\frac{1}{2}$ 5	4	100	Essa -	Simcoe -	discharged soldier.
Hunter, Thomas -	19 Nov. 1831	8 April	16	4	200	Gloucester -	Russell -	discharged serjeant.
Harris, John -	2 Dec. 1830	15 April	$\frac{1}{4}$ 3	- Wharncliff Highway.	25	London -	Middlesex -	free.
Hixon, Henry -	19 Jan. 1820	16 April	{ E. $\frac{1}{2}$ 1 1 & 2	2 4	500	Enniskillen -	Kent -	militia (lieutenant).
Hill, Abraham -	—	18 April	S. $\frac{1}{2}$ 7	12	100	Collingwood	Simcoe -	ditto.
Hales, William -	10 May 1819	—	20	Pinnacle-st.	$\frac{1}{2}$	Belleville -	Hastings -	patent fee and survey paid.
Hill, Stephen -	18 Feb. 1836	—	S. $\frac{1}{2}$ 20	13	100	London -	Middlesex -	discharged soldier.
Hart, John -	18 May 1833	—	{ S. $\frac{1}{2}$ 7 E. $\frac{1}{2}$ 7	5 10	—	Huntley - } Goulburn - }	Carleton -	S. U. E.
Hoffman, Matthew	29 Sept. 1834	19 April	17	7	200	Sombra -	Kent -	ditto.
Halloch, Mary -	27 Nov. 1834	25 April	- 4 town lots.	- - -	2	Woodstock -	Oxford -	free.
Holmes, William -	7 Dec. 1830	7 May	a tract	- - -	458	Brantford -	Wentworth -	Crown land sale, 572 $\frac{1}{2}$ 10s.
Henderson, Jonath.	5 Nov. 1835	14 May	3	7	200	Bastard -	Leeds -	Reg ^{ns} 9 July 1796.
Hawkins, Andrew	4 May 1836	—	73	1	—	Flos -	Simcoe -	discharged serjeant.
Hill, Nathaniel -	27 Aug. 1833	20 May	25	9	—	Collingwood	ditto -	S. U. E.
Hawley, Isabel -	7 Feb. 1833	—	25	18	—	Harvey -	Northumberl.	D. U. E.
Hart, Mary -	24 Mar. 1836	23 May	w. $\frac{1}{2}$ 21	6	100	Eldon -	Durham -	soldier's widow.
Hicks, Joseph -	8 May 1833	25 May	7	6	200	Belmont -	Northumberl.	S. U. E.
Holmes, Joseph -	19 Jan. 1820	—	w. $\frac{1}{2}$ 8	8	100	Plympton -	Kent -	militia.
Hilts, George G. -	—	—	E. $\frac{1}{2}$ 2	6	—	Mono -	Simcoe -	ditto.
Hawley, Abijah -	11 July 1833	—	{ S. $\frac{1}{2}$ 19 Part 24 Part 6	3 13	200	Adelaide -	Middlesex -	S. U. E.
Hartel, Rachel -	8 Nov. 1832	—	18	4	—	Warwick -	Kent -	D. U. E.
Hawn, Purlina -	28 Oct. 1835	—	13	2	—	Nottawasaga	Simcoe -	ditto.
Hokkitem, Lorentz	4 Feb. 1830	27 May	$\frac{1}{2}$ 34	7 & 8	200	Puslinch -	Halton -	Clergy reserve sale, 200 $\frac{1}{2}$.
Hanes, Joseph -	19 Jan. 1820	—	w. $\frac{1}{2}$ 17	5	100	Madoc -	Hastings -	militia.
Hill, Nathaniel -	12 May 1836	—	- 2 town lots.	- - -	1	Woodstock -	Oxford -	free.
Hawley, Jephtha -	21 Mar. 1833	—	18	10	200	Richmond -	Lenox&Addington	S. U. E.
Hawley, James C.	28 Feb. 1833	—	14	10	—	ditto -	ditto -	ditto.
Hawley, Charlotte	3 Oct. 1833	—	17	1	—	Enniskillen -	Kent -	D. U. E.
Holcomb, John -	19 Jan. 1820	28 May	w. $\frac{1}{2}$ 6	4	100	ditto -	ditto -	militia.
House, Joseph -	—	—	3	11	200	Moore -	ditto -	militia (serjeant).
Hanes, David -	—	—	E. $\frac{1}{2}$ 17	4	100	Madoc -	Hastings -	ditto.
Hutchins, John -	—	—	w. $\frac{1}{2}$ 14	5	—	ditto -	ditto -	ditto.
Hickey, John -	—	—	w. $\frac{1}{2}$ 13	4	—	ditto -	ditto -	ditto.
Harvey, John -	—	—	E. $\frac{1}{2}$ 18	6	—	Enniskillen -	Kent -	ditto.
Hurdiphant, Wm.	—	—	S. $\frac{1}{2}$ 2	2	—	Collingwood	Simcoe -	ditto.
Hubbell, Justus -	—	—	N. $\frac{1}{2}$ 24	6	—	ditto -	ditto -	ditto.
Hamilton, Sidney S.	17 Mar. 1836	—	{ Part 19 21 }	2	200	ditto -	ditto -	S. U. E.
Hare, Margaret -	18 Feb. 1836	—	22	9	—	Enniskillen -	Kent -	D. U. E.
Hollister, William	9 May 1834	—	4	6	—	Collingwood	Simcoe -	S. U. E.
Hartman, Susannah	25 Jan. 1836	—	{ Part 10 6 }	15 17	—	Chatham -	Kent -	D. U. E.
Hazen, Mary -	6 Feb. 1819	—	14	1	—	Nottawasaga	Simcoe -	ditto.
Hunt, Lewis -	7 Aug. 1834	—	39	12	—	ditto -	ditto -	S. U. E.
Hunt, Thomas -	—	—	35	10	—	ditto -	ditto -	ditto.
Hoffman, Chris. -	29 Sept 1834	—	8	12	—	Sombra -	Kent -	ditto.

SALE OF LANDS IN UPPER CANADA.

49

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Hoffman, William	4 April 1833	1836: 28 May	13	6	200	Moore -	Kent -	S. U. E.
Hoshall, Anna -	17 July 1817	—	46	2	—	Nottawasaga	Simcoe -	D. U. E.
Huyck, Elizabeth	7 Feb. 1821	—	30	3	—	Collingwood -	ditto -	ditto.
Hartwell, Thomas	2 April 1835	—	12	1	—	Dummer -	Northumberl.	- upon condition of erecting a grist-mill.
Hare, William -	26 Dec. 1834	—	{ 15 20	Baldoon-st.	—	Dover -	Kent -	discharged artificer.
Hacon, Jacob -	8 Jan. 1835	—	36.39	Baldoon-st.	—	ditto -	ditto -	ditto.
Hartley, Abm. K.	27 Nov. 1834	—	5	5	—	ditto -	ditto -	ditto.
Huff, William -	19 Jan. 1820	30 May	E. ½ 6	6	100	Belmont -	Northumberl.	militia.
Hart, James -	—	—	W. ½ 19	11	—	ditto -	ditto -	ditto.
Haines, Peter -	—	—	33	Front	—	Plympton -	Kent -	ditto.
Hansinger, John -	—	—	E. ½ 32	6	—	Dawn -	ditto -	ditto.
Hickey, William -	28 Nov. 1835	—	E. ½ 16	11	—	Ramsay -	Lanark -	- located by Hon. P. Robinson.
Haley, Patrick -	—	—	E. ½ 9	2	—	ditto -	ditto -	ditto.
Holmes, Peter -	19 Jan. 1820	31 May	N. ½ 35	6	—	Nottawasaga	Simcoe -	militia.
Harlin, Michael -	5 May 1836	—	{ Part 24 24	2	—	Brock -	York -	discharged soldier.
Hart, Samuel -	7 Dec. 1830	1 June	18 & 19	Sixth-street	2	Cornwall -	Stormont	Crown land sale, 20l.
Huntingdon, Arunah.	—	—	3	Dalhousie-st.	sq.lks. 25,000	Brantford -	Wentworth	Crown land sale, 13l. 11s.
Heeneey, Thomas -	—	—	31	Colborne-st.	sq.lks. 20,000	ditto -	ditto -	Crown land sale, 12l.
Haley, Denis -	28 Nov. 1835	—	W. ½ 7	1	100	Ramsay -	Lanark -	- located by Hon. P. Robinson.
Huffman, Peter -	2 Nov. 1834	—	{ 23 52	9 5	—	Portland -	Frontenac -	S. U. E.
						Camden -	Lenox & Addington.	
Hunt, Stephen -	19 Jan. 1820	—	N. ½ 30	9	—	Nottawasaga	Simcoe -	militia.
Helmer, Joseph -	—	—	N. ½ 33	8	—	ditto -	ditto -	ditto.
Hall, William -	7 Dec. 1830	3 June	- water	-	2	Sandwich -	Essex -	Crown land sale, 7l. 10s.
Hess, John -	19 Jan. 1820	—	lot.	5	100	Colchester -	ditto -	militia.
Heward, James -	—	—	{ N. ½ 27 27.28	15	500	Sombra -	Kent -	militia (ensign).
Huff, Asa B. -	2 May 1833	6 June	{ N. ½ 27 B & C.	7	200	ditto -	ditto -	discharged artificer.
Hughson, Robert -	19 Jan. 1820	9 June	114	1	195	Tay -	Simcoe -	militia.
House, John -	7 Dec. 1825	10 June	- W. ½ 13 & 14.	2	200	Mulmur -	ditto -	S. U. E.
Hopper, Mary -	24 April 1835	—	4	1	—	Warwick -	Kent -	D. U. E.
Hough (1), Isaac	25 July 1833	—	14	5	—	St. Vincent -	Simcoe -	discharged artificer.
Hogoborn, Gilb.	4 Feb. 1830	11 June	31	7	—	Ernest Town	Lenox & Addington	clergy reserve sale, 150l.
Hanan, Denis -	12 May 1836	—	S. ½ 24	12	—	Smith -	Northumberl.	- located by Hon. P. Robinson.
Hanes, Christopher	5 Sept. 1833	—	4	7	—	Moore -	Kent -	S. U. E.
Hough (2), Isaac	21 May 1834	—	32	Malden-road.	—	Colchester -	Essex -	discharged artificer.
Hunter, James -	11 Oct. 1832	—	18	2	—	Westmeath -	Lanark -	S. U. E.
Hughson, Jacob -	25 Feb. 1836	13 June	19	4	—	Darlington -	Durham -	reg ^d 9 July 1796.
Harvey, Robert -	12 May 1836	—	W. ½ 12	7	100	Adelaide -	Middlesex -	- in lieu of another lot, as discharged soldier.
Hanan, George -	13 May 1836	—	N. ½ 24	12	—	Smith -	Northumberl.	- located by Hon. P. Robinson.
Hartwick, Nelson	31 Mar. 1836	—	N. ½ 26	12	—	London -	Middlesex -	located by Col. Talbot.
Hassell, William -	7 Dec. 1830	—	23	Fourth-street	1	Cornwall -	Stormont	Crown land sale, 10l.
Hoffman, Jacob -	19 Jan. 1820	14 June	E. ½ 30	2	100	Warwick -	Kent -	militia.
Harper, James -	27 Sept. 1833	—	{ - S. ½ 12.16 14.16	4	200	Seymour -	Northumberl.	lieutenant in Royal Navy.
Hart, James -	10 Aug. 1832	15 June	5	12	—	Tyendinaga -	Hastings -	
Hughes, John -	23 July 1832	—	W. ½ 13	9	100	Adelaide -	Middlesex -	discharged dragoon.
Healey, James -	2 Aug. 1832	16 June	W. ½ 5	3	—	Eldon -	Durham -	discharged soldier.
Hackett, Stilson -	4 Feb. 1830	17 June	17	4	—	Adelaide -	Middlesex -	ditto.
Holmes, James -	—	—	S. ½ 16	4	—	Oxford West	Oxford -	clergy reserve sale, 62l. 10s.
Huntsberger, H. -	7 Dec. 1830	—	11	6	120½	Norwich -	ditto -	clergy reserve sale, 70l.
Hanlon, Michael -	13 June 1836	—	E. ½ 30	9	100	Cayuga -	Haldimand -	Crown land sale, 90l. 7s. 6d.
						Otonabee -	Northumberl.	- located by Hon. P. Robinson.
Hannan, Charles -	—	—	41	Talbot-road.	200	Southwold -	Middlesex -	patent fee and survey paid.
House, Peter -	9 June 1836	—	31	ditto -	—	ditto -	ditto -	located by Col. Talbot.
Horton, William -	19 Jan. 1820	18 June	E. ½ 31	8	100	Nissouri -	Oxford -	militia.
Henry, Mary -	7 Feb. 1833	—	10	9	200	Moore -	Kent -	D. U. E.
Hayward, Paul -	- Land Board Order, 1820.	—	S. ½ 22	3	100	Mariposa -	Durham -	patent fee and survey paid.
Hayward, Noadiah	—	—	N. ½ 22	3	—	ditto -	ditto -	ditto.
Hamblin, Silas -	19 Jan. 1820	20 June	W. ½ 6	5	—	Fitzroy -	Carleton -	militia.
Hallahan, Thomas	13 June 1836	—	W. ½ 19	9	—	Otonabee -	Northumberl.	- located by Hon. P. Robinson.
Hynes, John -	23 July 1832	21 June	W. ½ 1	3	—	Medonte -	Simcoe -	discharged soldier.
Henderson, Thomas	23 Dec. 1825	22 June	29	7	200	Otonabee -	Northumberl.	patent fee and survey paid.
Howden, Gustavus	4 Feb. 1830	23 June	W. ½ 17	10	100	Cavan -	Durham -	clergy reserve sale, 50l.
Harrison, John -	15 Oct. 1819	—	W. ½ 17	7	—	Esquesing -	Halt -	patent fee and survey paid.
Henderson, Jane -	14 Jan. 1812	—	90, 91	2	200	Tiny -	Simcoe -	D. U. E.
Hardy, John -	6 Aug. 1831	24 June	E. ½ 6	13	100	Oro -	ditto -	artillery pensioner.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Hawke, Anth. B. -	7 Dec. 1830	1836 : 25 June	12	Port-street	$\frac{1}{2}$	Port Credit -	York -	Crown land sale, 10 l. 10 s.
Healy, John -	—	27 June	w. $\frac{1}{2}$ 4	8	100	Toronto Gore	ditto -	Crown land sale, 75 l.
Higgins, William -	9 Sept. 1819	—	E. $\frac{1}{2}$ 4	3	—	Chinquacousy	ditto -	patent fee and survey paid.
Hicks, William -	8 May 1833	30 June	9	5	200	Belmont -	Northumberl.	S. U. E.
Hare, James -	29 April 1824	1 July	7	4	—	Melancthon -	Simcoe -	ditto.
Houghton, Rufus -	7 Dec. 1830	15 July	4; town lots.	-	sq. lks. 45,155	Brantford -	Wentworth -	Crown land sale, 20 l.
Halpin, Mary -	4 July 1836	16 July	E. $\frac{1}{2}$ 7	4	100	Adelaide -	Middlesex -	soldier's widow.
Hutchinson, John -	7 Dec. 1830	25 July	town lot	-	$\frac{1}{2}$	Peterborough	Northumberl.	Crown land sale, 10 l.
Harkens, Mary -	15 Dec. 1832	28 July	21	3	200	Nottawasaga	Simcoe -	D. U. E.
Hanes, Margaret -	28 Feb. 1833	29 July	25	7	—	ditto -	ditto -	ditto.
Hamblin, Margaret	13 Nov. 1818	—	26	12	—	Collingwood	ditto -	ditto.
Hunter, Peter -	28 Feb. 1833	—	11	11	—	Nottawasaga	ditto -	S. U. E.
Johnson, Joseph -	—	7 April	26	4	—	Enniskillen -	Kent -	ditto.
Jones, Augustus -	12 Aug. 1833	—	16	2	—	ditto -	ditto -	ditto.
Johnston, George -	11 July 1833	24 May	16	6	—	Warwick -	ditto -	ditto.
Jackson, Erastus -	4 Dec. 1834	26 May	6	1	—	Nottawasaga	Simcoe -	ditto.
Jackson, Mark -	—	—	7	1	—	ditto -	ditto -	ditto.
Ivir, George -	4 Feb. 1836	—	E. $\frac{1}{2}$ 9	2	100	Adelaide -	Middlesex -	discharged soldier.
Johnston, Ann -	27 Nov. 1834	—	27	2	200	Enniskillen -	Kent -	D. U. E.
Johnston, Ann M.	28 Oct. 1835	—	9	13	—	ditto -	ditto -	ditto.
Johnson, John -	28 Mar. 1833	—	20	5	—	Gloucester -	Russell -	discharged serjeant.
Jessup, Fs. K. -	28 Nov. 1835	27 May	{ E. $\frac{1}{2}$ 13 w. $\frac{1}{2}$ 14	10 12	—	Ramsay -	Lanark -	{ - - located by Hon. P. Robinson.
Jones, David D. -	19 Jan. 1820	28 May	N. $\frac{1}{2}$ 45	11	100	Nottawasaga	Simcoe -	militia.
Johnson, Justin -	—	—	S. $\frac{1}{2}$ 15	1	—	ditto -	ditto -	ditto.
Jefferson, John -	7 Dec. 1830	1 June	E. $\frac{1}{2}$ 2	8	—	Vaughan -	York -	Crown land sale, 62 l. 10 s.
Jones, Stephen -	19 Jan. 1820	—	{ E. $\frac{1}{2}$ 31 32, 34	5	500	Nottawasaga	Simcoe -	militia (lieutenant).
Johnson, Isaac -	—	3 June	Part 5	3	100	Alnwick -	Northumberl.	ditto.
Jameson, John -	8 Jan. 1835	6 June	16	1	200	Collingwood	Simcoe -	discharged artificer.
Joyce, Thomas -	13 July 1819	9 June	E. $\frac{1}{2}$ 7	4	100	Esquing -	Halton -	patent fee and survey paid.
Johnston, David -	10 Mar. 1834	10 June	26	14	200	Plympton -	Kent -	S. U. E.
Jameson, John -	9 June 1836	13 June	E. $\frac{1}{2}$ 1	13	100	Medonte -	Simcoe -	discharged seaman, R.N.
Jackson, William -	21 July 1831	—	N. $\frac{1}{2}$ 16	7	—	Ops -	Durham -	discharged soldier.
James, Thomas -	2 Aug. 1832	16 June	w. $\frac{1}{2}$ 11	2	—	Adelaide -	Middlesex -	ditto.
Jemison, Robert -	19 Jan. 1833	17 June	w. $\frac{1}{2}$ 2	6	—	Colchester -	Essex -	ditto.
Johnston, John -	2 Aug. 1832	—	w. $\frac{1}{2}$ 4	2	—	Adelaide -	Middlesex -	ditto.
Johnston, Robert -	11 July 1833	18 June	11	7	—	Warwick -	Kent -	S. U. E.
Johnson, Cornelius	19 Jan. 1820	20 June	Part 24	11	—	Brock -	York -	militia.
Jones, Philip -	—	—	Part 14	10	—	Hungerford -	Hastings -	ditto.
Johnston, James -	10 Mar. 1834	21 June	22	5	200	Collingwood	Simcoe -	S. U. E.
Jones, James -	24 Mar. 1819	23 June	w. $\frac{1}{2}$ 13	8	100	Brock -	York -	patent fee and survey paid.
Joice, Patrick -	20 Oct. 1832	—	E. $\frac{1}{2}$ 5	2	—	Orillia -	Simcoe -	discharged soldier.
Johnson, Thomas -	27 Oct. 1832	24 June	w. $\frac{1}{2}$ 18	8	—	Albion -	York -	ditto.
Jones, Anna -	30 May 1835	30 June	{ E. $\frac{1}{2}$ 9 w. $\frac{1}{2}$ 3	6	200	Belmont -	Northumberl.	D. U. E.
Jones, Rev. P. -	16 June 1836	22 July	A & B	- - Indian reserve.	100	Toronto -	York -	free: resident missionary.
Judd, Hannah -	2 April 1829	25 July	18	6	200	Sombra -	Kent -	D. U. E.
Jones, David -	4 July 1815	29 July	14	1	—	Collingwood	Simcoe -	S. U. E.
Kelly, Francis -	5 Nov. 1823	2 April	w. $\frac{1}{2}$ 18	6	100	Cavan -	Durham -	reg ^{ns} 1 January 1820.
Kemp, David -	24 April 1833	4 April	11	6	200	Sarnia -	Kent -	discharged artificer.
Kiernan, Patrick -	3 Nov. 1831	6 April	w. $\frac{1}{2}$ 24	1	100	Eldon -	Durham -	discharged soldier.
Kimmerly, Adam -	27 Sept. 1833	7 April	24	8	200	Nottawasaga	Simcoe -	S. U. E.
Kerr, George H. -	19 Jan. 1820	11 April	E. $\frac{1}{2}$ 28	2	100	Dawn -	Kent -	militia.
Kennedy, John -	14 Nov. 1825	18 April	E. $\frac{1}{2}$ 10	9	—	Huntley -	Carleton -	patent fee and survey paid.
Knapp, Reuben A.	3 Jan. 1833	—	6	11	200	ditto -	ditto -	S. U. E.
Kimmerly, George	27 Sept. 1833	4 May	36	8	—	Nottawasaga	Simcoe -	ditto.
Kains, Thomas -	18 April 1821	{ 18 May —	{ 19, 20 8 13	1 1	400	Westmeath	Lanark -	purser in Royal Navy.
Kennedy, Lancy -	9 Mar. 1816	24 May	{ w. $\frac{1}{2}$ 24 E. $\frac{1}{2}$ 26	3 5	200	Dawn -	Kent -	D. U. E.
Knight, Sally -	6 Dec. 1832	25 May	13	6	—	Warwick -	ditto -	ditto.
Kettle, Jeremiah -	7 May 1835	—	- N. $\frac{1}{2}$ 8 17 & 18	11	—	Sombra -	ditto -	S. U. E.
Kintner, Frederick	19 Jan. 1820	26 May	w. $\frac{1}{2}$ 13	7	100	Plympton -	ditto -	militia.
Kilborn, Hiram -	—	—	S. $\frac{1}{2}$ 26	8	—	Collingwood	Simcoe -	ditto.
Kerlin, John -	5 Sept. 1833	—	18	6	200	Moore -	Kent -	S. U. E.
Kendrick, Joseph -	10 April 1834	27 May	Part 6	4	100	Yonge -	Leeds -	discharged soldier.
King, Robert -	23 May 1836	—	w. $\frac{1}{2}$ 1	5	—	Hoxton -	Carleton -	military emigrant.
Ketcheson, Wm. -	19 Jan. 1820	28 May	{ 11 & 13 E. $\frac{1}{2}$ 4	6 7	500	Madoc -	Hastings -	militia (ensign).
Kennedy, Timothy	28 Nov. 1835	—	E. $\frac{1}{2}$ 21	11	100	Huntley -	Carleton -	- - located by Hon. P. Robinson.
Keefe, John -	—	—	w. $\frac{1}{2}$ 20	10	—	ditto -	ditto -	ditto.
Kennedy, John -	—	—	w. $\frac{1}{2}$ 19	10	—	ditto -	ditto -	ditto.
Kinney, John -	—	30 May	E. $\frac{1}{2}$ 7	5	—	Ramsay -	Lanark -	ditto.
King, Walter -	18 June 1817	31 May	E. $\frac{1}{2}$ 11	10	—	Cavan -	Durham -	patent fee and survey paid.
Kingsmill and Wil- liams.	11 Feb. 1836	1 June	{ Part 2 12	5 2	220	Seymour	Northumberl.	in lieu of land surrendered
Kennelly, William	23 June 1824	2 June	E. $\frac{1}{2}$ 5	6	100	Otonabee	York -	patent fee and survey paid.

SALE OF LANDS IN UPPER CANADA.

51

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Keane, William -	8 June 1825	1836 : 6 June	E. ½ 21	8	100	Brock -	York -	discharged soldier.
Kay, William -	11 Jan. 1836	10 June	Part 12	1	—	Seymour -	Northumberl.	pursur in Royal Navy.
Keating, Nicholas	9 June 1836	—	E. ½ 25	2	—	Otonabee -	ditto -	- located by Hon. P. Robinson.
Kropp, Salome -	8 Jan. 1835	11 June	½ 17	Erle's-road	50	Wilmot -	Halton -	half-fee grant.
Klinkerbroomer, C.	20 July 1825	—	E. ½ 11	2	100	Brock -	York -	patent fee and survey paid.
Kirkpatrick, Helen	4 Sept. 1834	—	11	3	200	Belmont -	Northumberl.	D. U. E.
Kells, James -	28 Sept. 1832	13 June	24	7	—	Ops -	Durham -	discharged serjeant.
Kelly, Thomas -	9 June 1836	—	E. ½ 10	9	100	Medonte -	Simcoe -	discharged soldier.
Kerr, John -	8 Jan. 1823	14 June	s. ½ 9	10	—	Wt. Gwillimbury	ditto -	patent fee and survey paid.
Killman, William	8 Feb. 1827	—	Parts 14 and 15.	1	200	Esquesing -	Halton -	S. U. E.
Kinna, Timothy -	13 June 1836	15 June	E. ½ 2	10	100	Adelaide -	Middlesex -	discharged soldier.
Keys, John -	—	—	24	1	200	ditto -	ditto -	discharged serjeant.
Kellogg, Deborah	19 Aug. 1833	20 June	29	5	—	Plympton -	Kent -	D. U. E.
Keeler, Mary A. -	20 Oct. 1819	—	52, 53	2	—	Flos -	Simcoe -	ditto.
Knapp, Sarah -	4 Feb. 1830	23 June	14	6	—	Marlborough	Grenville -	ditto.
Kinghorn, Andrew	28 June 1832	—	w. ½ 6	5	100	Medonte -	Simcoe -	discharged soldier.
Keating, Richard -	10 Aug. 1832	—	s. ½ 19	11	—	Tecumseth -	ditto -	ditto.
Kingsmill, George	23 June 1836	25 June	E. ½ 4	6	—	Essa -	ditto -	ditto.
Kerr, William J. -	7 Dec. 1830	—	A tract	—	228	Brantford -	Wentworth -	Crown land sale, 228 l.
King, John -	—	27 June	3	Bay-street	½	Port Credit -	York -	Crown land sale, 14 l. 10 s.
Keller, Daniel -	5 Nov. 1835	28 June	{E. ½ 21 w. ½ 21	2 5	200	Enniskillen -	Kent -	S. U. E.
Kyle, William -	8 June 1832	30 June	w. ½ 1	12	100	Oro -	Simcoe -	discharged serjeant.
Keele, William C.	7 July 1836	16 July	A tract	—	396	Cayuga -	Haldimand -	Indian land claimant.
Kerr, Dawson -	7 Dec. 1830	23 July	1	Cockburn-st.	1	Perth -	Lanark -	Crown land sale, 15 l.
Kennedy, George	15 May 1832	29 July	N. ½ 25	6	100	London -	Middlesex -	located by Col. Talbot.
Loucks, John W. -	19 Jan. 1820	5 April	16	13	200	Plympton -	Kent -	militia (serjeant).
Lucas, Dennis, assignee of Jephtha Hawley.	- 36th claim, commissioners' report, 1834.	6 April	w. ½ 27	3	100	Ernest Town	- Lenox and Addington.	patent fee and survey paid.
Lull, Caleb -	26 Dec. 1834	9 April	13	6	200	Collingwood	Simcoe -	discharged artificer.
Lowe, Thomas -	7 June 1831	12 April	E. ½ 24	3	100	Mons -	ditto -	discharged soldier.
La Farier, Joseph	19 Jan. 1820	13 April	{Part 153 18	3 8	200	Sandwich -	Essex -	militia.
Lownsbury, John	—	14 April	E. ½ 13	2	100	Enniskillen -	Kent -	ditto.
Larose, Pierre -	—	—	N. ½ 95	9	—	Malden -	Essex -	ditto.
L'Heureux, Franc.	28 Sept. 1820	—	18	Russell-st.	1	Sandwich -	ditto -	patent fee and survey paid.
Lockwood, Henry	8 Dec. 1832	—	19	1	200	Adelaide -	Middlesex -	S. U. E.
Lockwood, David	—	—	18	1	—	ditto -	ditto -	ditto.
Lutes, John -	19 Jan. 1820	—	w. ½ 12	2	100	Enniskillen -	Kent -	militia.
Land, Stephen -	24 Nov. 1824	15 April	18	5	200	Warwick -	ditto -	S. U. E.
Link, John -	7 Aug. 1834	—	10	7	—	Williamsburgh	Dundas -	military claimant.
Lecuca, Louis	19 Jan. 1820	16 April	E. ½ 39	5	100	Osgoode -	Russell -	militia.
Lacey, Rebecca	12 Sept. 1833	—	24	10	200	Enniskillen -	Kent -	D. U. E.
Lott, John -	27 Nov. 1834	18 April	{w. ½ 13 21, 22	2	—	Marmora -	Hastings -	S. U. E.
Lott, Peter -	—	—	{w. ½ 15 Part 20	10 11	200	ditto -	ditto -	ditto.
Lenox, And. E. -	4 Sept. 1834	26 April	13	9	—	Collingwood	Simcoe -	D. U. E.
Longchamp, Ann	2 July 1835	28 April	Part 21, 23, 24, 25.	4	468	Tyendinaga -	Hastings -	commander, Royal Navy.
Laughton & Roe	7 Dec. 1830	6 May	5	Dunlop-st.	sq. lks. 25,000	Barrie -	Simcoe -	Crown land sale, 15 l.
Logan, Eleanor -	10 Mar. 1834	23 May	E. ½ 4 & 5	2	200	Melancthon -	ditto -	D. U. E.
Lane, John -	19 Jan. 1820	25 May	N. ½ 35	4	100	Nottawasaga	ditto -	militia.
Levi, Frederick	9 May 1836	—	230	Talbot-road	200	Mersea -	Essex -	located by Col. Talbot.
La Porte, Louis	19 Jan. 1820	26 May	Part 25	15	100	Raleigh -	Kent -	militia.
Loucks, Peter J. -	—	—	w. ½ 15	4	—	Madoc -	Hastings -	ditto.
Lazier, James -	—	—	N. ½ 25	5	—	Sombra -	Kent -	ditto.
Lane, George -	—	—	s. ½ 30	2	—	Nottawasaga	Simcoe -	ditto.
Lampman, Henry	28 Oct. 1835	—	8	13	200	Enniskillen -	Kent -	S. U. E.
Lewis Thaddeus -	12 June 1834	—	6	5	—	Collingwood	Simcoe -	ditto.
Lee, Joseph -	4 July 1833	—	20	12	—	Nottawasaga	ditto -	ditto.
Lymburner, Martin	7 Feb. 1831	—	42	11	—	ditto -	ditto -	ditto.
Lindsay, Ralph B.	4 Dec. 1834	—	11	2	—	ditto -	ditto -	ditto.
Lindsay, Lucius	27 Nov. 1834	—	10	1	—	ditto -	ditto -	ditto.
Loucks, Isaac -	7 Mar. 1833	—	- Parts 13 & 14.	11	200	Richmond -	- Lenox and Addington.	ditto.
Loucks, Charles -	—	—	{Part 11 Brok. 12	—	182	ditto -	ditto -	ditto.
Loucks, George -	18 May 1833	—	12	10	200	ditto -	ditto -	ditto.
Loucks, Margaret	2 Oct. 1834	—	21	5	—	Sombra -	Kent -	D. U. E.
Lestre, Abraham	26 Dec. 1834	—	29	2	—	Nottawasaga	Simcoe -	discharged artificer.
Laforty, Joseph -	6 Sept. 1832	30 May	3	8	—	Leeds -	Leeds -	discharged serjeant.
Lynch, Patrick -	28 Nov. 1835	—	{w. ½ 21 E. ½	1	200	Pakenham -	Carleton -	located by Hon. P. Robinson.
Lambier, Francis -	7 Dec. 1830	1 June	1	1	68	Cayuga -	Haldimand -	Crown land sale, 51 l.
Lester, Nancy -	4 Sept. 1834	10 June	4	2	200	Mulmur -	Simcoe -	D. U. E.
Lighthall, William	30 June 1834	11 June	33, 34	Malden-road	—	Colchester -	Essex -	discharged artificer.
Landergan, Michael	12 May 1836	13 June	w. ½ 1	8	100	Douro -	Northumberl.	located by Hon. P. Robinson.
Leahy, David	—	—	w. ½ 19	5	—	Asphodel -	ditto -	ditto.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836:						
Lawler, Neil -	9 June 1836	13 June	w. $\frac{1}{2}$ 1	12	100	Medonte -	Simcoe -	discharged soldier.
Legore, Baptiste -	19 Jan. 1820	—	N. $\frac{1}{2}$ 10	10	—	Mara -	ditto -	militia.
Loucks, Jacob -	18 May 1833	—	11	10	200	Richmond -	Lenox and Addington.	S. U. E.
Landers, Edward -	7 July 1831	14 June	Part 17	17	100	Otonabee -	Northumberl.	discharged soldier.
Labatte, Louis G.	31 May 1830	15 June	s. $\frac{1}{2}$ 16	17	—	Tiny -	Simcoe -	ditto.
Lucy, Jane -	9 June 1836	—	w. $\frac{1}{2}$ 7	8	—	Medonte -	ditto -	soldier's widow.
Lynes, Cornelius -	13 June 1836	16 June	N. $\frac{1}{2}$ 20	11	—	Emily -	Durham -	located by Hon. P. Robinson.
Little, John -	28 Feb. 1833	—	20	5	200	Marmora -	Hastings -	discharged artificer.
Langford, John -	26 Mar. 1836	—	18	1	—	Zone -	Kent -	located by Col. Talbot.
Lally, James -	24 April 1835	17 June	w. $\frac{1}{2}$ 1	1	100	Marmora -	Hastings -	discharged soldier.
Lundy, Azariah -	19 Jan. 1820	18 June	w. $\frac{1}{2}$ 1	2	—	Enniskillen -	Kent -	militia.
Lewis, Benjamin -	2 Sept. 1830	—	23	12	200	Dawn -	ditto -	S. U. E.
Leslie, William -	9 May 1836	—	11	10	—	Innisfil -	Simcoe -	discharged serjeant.
Leahy, Phœbe -	8 June 1832	—	27	8	—	Marlborough	Grenville -	D. U. E.
Leman, James -	19 Jan. 1820	20 June	{ Part 36 Part 34	1 3	100	Garrafraxa -	Halton -	militia.
La Garde, Eustache	26 May 1836	—	10	Pointz-street	$\frac{1}{2}$	Penetanguishine	Simcoe -	free.
Lymburner, Robert	4 Feb. 1836	21 June	2	10	200	Collingwood	ditto -	S. U. E.
Lane, Allan -	10 Mar. 1819	24 June	E. $\frac{1}{2}$ 30	3	100	Esquesing -	Halton -	patent fee and survey paid.
Landon, John -	3 April 1834	—	{ 37, 38 N. $\frac{1}{2}$ 29	1 6	340	Tyendinaga -	Hastings -	captain on half pay.
Lumby, William -	9 June 1836	25 June	N. $\frac{1}{2}$ 29	6	100	London -	Middlesex -	located by Col. Talbot.
Le Chappelle, Jos.	19 Jan. 1820	27 June	Part 11	14	—	Innisfil -	Simcoe -	militia.
Lymburner, Christ.	16 June 1836	2 July	A tract	-	245	Canborough -	Haldimand -	Indian land claimant.
Lymburner, Jay J.	—	14 July	—	-	17	ditto -	ditto -	ditto.
Long, John -	7 Sept. 1831	28 July	{ Part 18 w. $\frac{1}{2}$ 10	1 8 & 9	200	Esquesing -	Halton -	militia serjeant.
Littleworth, James	11 July 1833	—	E. $\frac{1}{2}$ 7	5	100	Plympton -	Kent -	discharged serjeant.
M'Leod, John -	20 Oct. 1832	2 April	w. $\frac{1}{2}$ 25	—	100	Medonte -	Simcoe -	discharged soldier.
Mercure, Jean B.	19 Jan. 1820	4 April	w. $\frac{1}{2}$ 9	1	—	Colchester -	Essex -	militia.
M'Donell, John -	4 Dec. 1824	—	{ E. $\frac{1}{2}$ 17 N. $\frac{1}{2}$ 16	3 1	200	Sarnia -	Kent -	S. U. E.
Miller, Robert -	12 Aug. 1835	—	N. $\frac{1}{2}$ 16	1	100	March -	Carleton -	patent fee and survey paid.
M'Donald, Mary -	5 Nov. 1818	—	13	2	200	Belmont -	Northumberl.	D. U. E.
Mott, Esther -	24 April 1835	—	7	2	—	Sarnia -	Kent -	ditto.
M'Cuan, Duncan -	4 Feb. 1830	—	E. $\frac{1}{2}$ 21	10	100	Beckwith -	Lanark -	clergy reserve sale, 50 l.
Markle, Richard -	19 Jan. 1820	5 April	w. $\frac{1}{2}$ 14	3	—	Harvey -	Northumberl.	militia.
Macaulay, Daniel	22 May 1822	—	w. $\frac{1}{2}$ 9	6	—	Marmora -	Hastings -	patent fee and survey paid.
Mott, Elizabeth -	23 Dec. 1835	—	A tract	-	24 100	Brantford -	Wentworth -	Indian land claimant.
M'Kay, Catherine	8 Dec. 1835	—	23	6	200	Medonte -	Simcoe -	D. U. E.
M'Lennan, Hugh -	1 Aug. 1833	—	{ s. $\frac{1}{2}$ 11 N. $\frac{1}{2}$ 1	12	—	Tecumseth -	ditto -	discharged serjeant.
M'Cargar, Philand.	4 Feb. 1830	6 April	w. $\frac{1}{2}$ 2	5	100	South Gower	Grenville -	clergy reserve sale, 100 l.
M'Cargar, Milo -	—	—	E. $\frac{1}{2}$ 2	5	—	ditto -	ditto -	clergy reserve sale, 100 l.
M'Daniel, James -	19 Jan. 1820	—	E. $\frac{1}{2}$ 27	12	—	Enniskillen -	Kent -	militia.
Mallory, Joseph -	—	—	w. $\frac{1}{2}$ 29	12	—	ditto -	ditto -	ditto.
M'Donell, John -	—	—	E. $\frac{1}{2}$ 27	10	—	Belmont -	Northumberl.	ditto.
M'Conrad, John -	6 Oct. 1825	—	12	5	200	Plantagenet	Prescott -	patent fee and survey paid.
Millikin, Patrick -	19 May 1819	—	N. $\frac{1}{2}$ 13	1	100	Mariposa -	Durham -	ditto.
M'Michael, James	7 Dec. 1830	7 April	54	Colborne-st.	sq. lks. 25,000	Brantford -	Wentworth -	Crown land sale, 13 l. 9 s.
Mayby, Godfrey -	19 Jan. 1820	—	N. $\frac{1}{2}$ 13	10	100	Mariposa -	Durham -	militia.
Mayby, Francis -	—	—	S. $\frac{1}{2}$ 18	10	—	ditto -	ditto -	ditto.
M'Coll, Dugald -	4 Feb. 1836	—	4	Talbot-road	200	Southwold -	Middlesex -	located by Col. Talbot.
M'Gruer, William	8 Jan. 1835	—	13	2	—	Brooke -	Kent -	S. U. E.
Moore, Francis -	2 Feb. 1832	—	1	5	—	Moore -	ditto -	ditto.
M'Crimmon, Rachel	12 Aug. 1833	—	28	8	—	Plympton -	ditto -	D. U. E.
M'Kinloss, Sarah -	18 May 1833	8 April	20	6	—	Enniskillen -	ditto -	ditto.
Murphy, James -	2 April 1835	—	9	9	—	Collingwood	Simcoe -	discharged artificer.
Mason, Godfrey -	27 Nov. 1834	—	26	13	—	Brooke -	Kent -	ditto.
Malotte, John -	6 Nov. 1834	9 April	21	2	—	ditto -	ditto -	ditto.
Miller, Samuel -	23 June 1808	—	{ w. $\frac{1}{2}$ 17 E. $\frac{1}{2}$ 16	5 8	300	Enniskillen -	ditto -	military claimant.
Mallon, Bridget -	19 Mar. 1836	11 April	E. $\frac{1}{2}$ 16	8	100	Vespra -	Simcoe -	soldier's widow.
Murphy, Timothy	26 Sept. 1809	—	{ 5 10	14 100	200	Colchester -	Essex -	military claimant.
Montreuil, Luc -	19 Jan. 1820	14 April	Part 149	3	50	Sandwich -	ditto -	militia.
M'Kinney, Sam. S.	23 Nov. 1816	—	19	3	200	Plympton -	Kent -	S. U. E.
M'Neill, James -	6 Dec. 1832	—	28, 29	6	—	Moore -	ditto -	ditto.
Miller, Martha -	8 Dec. 1822	—	18	1	—	Adelaide -	Middlesex -	D. U. E.
M'Kenny, Elijah -	19 Jan. 1820	15 April	20	3	—	Plympton -	Kent -	militia serjeant.
M'Kenney, Samuel	—	—	3	3	—	Moore -	ditto -	ditto.
Munger, Joseph -	29 Sept. 1824	—	17	5	—	Chester -	Essex -	S. U. E.
M'Leod, Alexander	9 April 1831	16 April	N. $\frac{1}{2}$ 22	9	—	Lochiel -	Glenary -	discharged corporal.
M'Dougall, Joseph	7 Dec. 1830	18 April	- Water lot.	-	1	Sandwich -	Essex -	Crown land sale, 10 l.
Mowerson, Jacob -	19 Jan. 1820	—	E. $\frac{1}{2}$ 15	9	100	Goulburn -	Carleton -	militia.
M'Pherson, Mal. -	—	—	N. $\frac{1}{2}$ 31	10	—	Hungerford -	Hastings -	ditto.
M'Mullen, George	—	—	N. $\frac{1}{2}$ 33	10	—	ditto -	ditto -	ditto.
Moorhouse, Wm. -	4 Feb. 1836	—	w. $\frac{1}{2}$ 26	5	—	Zone -	Kent -	located by Col. Talbot.
Messmore, Jacob -	7 Jan. 1836	—	16	—	—	London -	Middlesex -	ditto.
Morden, Daniel -	27 June 1833	—	29	1	200	Plympton -	Kent -	S. U. E.
M'Collum, Stephen	7 Aug. 1828	—	6	12	—	Collingwood	Simcoe -	ditto.

SALE OF LANDS IN UPPER CANADA.

53

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836:						
M'Ewen, Mary -	28 Mar. 1833	18 Apr.	{ w. $\frac{1}{2}$ 17 w. $\frac{1}{2}$ 18	9 8	100	Goulburn -	Carleton -	} D. U. E.
Morden, Eleanor -	28 Oct. 1833	—	25	14	200	Beckwith -	Lanark -	
M'Kenzie, Duncan	21 June 1821	19 Apr.	10	Gore -	100	Plympton -	Kent -	ditto.
Markley, George -	4 Feb. 1830	20 Apr.	22	8	200	Gloucester -	Russell -	patent fee and survey paid.
M'Donell, Archibald, assignee of Philip Eamer.	-155th claim, commissioners' report 1834.	—	E. $\frac{1}{4}$ 8	9	50	Williamsburgh -	Dundas -	clergy reserve sale, 1007.
						Cornwall -	Stormont -	military claimant.
M'Queen, James -	5 Sep. 1833	7 May	24	Talbot-road	200	Southwold -	Middlesex -	located by Col. Talbot.
Merrill, Samuel, assignee of John Bayne.	-119th claim, commissioners' report 1835.	16 May	22	1	—	Hinchinbrooke	Frontenac -	fees remitted.
Mitchell, George -	6 Apr. 1836	18 May	N. $\frac{1}{2}$ 7	2	100	London -	Middlesex -	located by Col. Talbot.
M'Call, Anet -	16 July 1816	—	1	6	200	Sarnia -	Kent -	D. U. E.
Meredith, Abraham	27 June 1833	19 May	-- w. $\frac{1}{2}$ 21, 22.	2	—	Dawn -	ditto -	S. U. E.
Mocclair, Thomas -	7 Aug. 1834	—	22	6	—	Belmont -	Northumberland	discharged artificer.
M'Dougald, Wm. -	26 Mar. 1836	24 May	S. $\frac{1}{2}$ 6	7	100	Tilbury, East	Kent -	located by Col. Talbot.
M'Gee, Andrew -	4 Feb. 1836	—	E. $\frac{1}{2}$ 3	9	—	Ops -	Durham -	discharged soldier.
Mason, Hugh -	28 July 1819	—	E. $\frac{1}{2}$ 13	10	—	Trafalgar -	Halton -	patent fee and survey paid.
Moore, Mary J. -	4 Apr. 1833	—	6	9	200	Moore -	Kent -	D. U. E.
Merckley, Eliz. -	20 May 1819	—	8	5	—	Sombra -	ditto -	ditto.
M'Lean, Barbara -	5 Nov. 1818	—	8	4	—	ditto -	ditto -	ditto.
Martin, Denis -	26 Nov. 1831	—	E. $\frac{1}{2}$ 17	7	100	Vespra -	Simcoe -	discharged soldier.
M'Henry, Edward	3 Apr. 1828	—	S. $\frac{1}{2}$ 10	3	—	Mariposa -	Durham -	ditto.
M'Pherson, James	28 Oct. 1835	—	w. $\frac{1}{2}$ 4	10	—	Dummer -	Northumberland	military emigrant.
Medcalf, Henry -	2 May 1836	25 May	5	5	200	Boyham -	Middlesex -	located by Col. Talbot.
M'Kay, Angus -	27 June 1833	—	4	6	—	Plympton -	Kent -	S. U. E.
M'Donell, Catherine	8 May 1833	—	w. $\frac{1}{2}$ 17	7 & 8	—	ditto -	ditto -	D. U. E.
M'Lean, Hannah -	7 May 1828	—	30	4	—	Nottawasaga -	Simcoe -	ditto.
Myers, John W. -	19 Jan. 1820	26 May	{ -1.3.6. 17&20. E. $\frac{1}{2}$ 11 w. $\frac{1}{2}$ 2 E. $\frac{1}{2}$ 23 25 E. $\frac{1}{2}$ 19 24	11	800	Madoc -	Hastings -	militia captain.
M'Dougall, Angus	—	—	E. $\frac{1}{2}$ 11	5	100	Enniskillen -	Kent -	ditto.
M'Arthur, Neil -	—	—	w. $\frac{1}{2}$ 2	16	—	Chatham -	ditto -	ditto.
M'Call, Daniel -	19 Jan. 1820	—	{ E. $\frac{1}{2}$ 23 25 E. $\frac{1}{2}$ 19 24	6	600	Plympton -	Kent -	militia captain.
M'Farlane, Malcolm	25 Aug. 1819	—	w. $\frac{1}{2}$ 7	3	100	Esquesing -	Halton -	patent fee and survey paid.
Myers, Jacob W. -	30 Aug. 1797	—	E. $\frac{1}{2}$ 3	9	—	Madoc -	Hastings -	regulations 9 July 1796.
Marrison, John -	14 Nov. 1825	—	E. $\frac{1}{2}$ 8	9	—	Huntley -	Carleton -	patent fee and survey paid.
Matthews, George	9 Feb. 1832	—	14	9	200	Sombra -	Kent -	S. U. E.
Myers, Jacob W. -	7 Feb. 1833	—	2	10	—	Madoc -	Hastings -	ditto.
Mosure, Nicholas -	8 Dec. 1835	—	-- N. $\frac{1}{2}$ 5 & 6.	8	—	Sombra -	Kent -	ditto.
Mosure, Lewis -	28 Oct. 1835	—	-- N. $\frac{1}{2}$ 20 & 21.	4	—	ditto -	ditto -	ditto.
Middagh, George -	19 Apr. 1816	—	25	4	—	Caledon -	York -	ditto.
Miller, Edward -	2 Apr. 1835	—	-- S. $\frac{1}{2}$ 29 & 30.	8	—	Sombra -	Kent -	ditto.
Marsh, Mary -	10 Oct. 1834	—	-- S. $\frac{1}{2}$ 5 & 6.	6	—	ditto -	ditto -	D. U. E.
Miller, Poeta -	7 Mar. 1827	—	{ N. $\frac{1}{2}$ 18 S. $\frac{1}{2}$ 17	13 14	—	Garrafraxa -	Halton -	ditto.
Merrills, Catherine	1 July 1830	—	7	3	200	Collingwood -	Simcoe -	ditto.
Manhart, Mary -	3 Oct. 1833	—	{ w. $\frac{1}{2}$ 16 w. $\frac{1}{2}$ 19	2 3	—	Esquesing -	Halton -	ditto.
M'Donald, Mary -	6 Nov. 1834	—	7	11	—	Sombra -	Kent -	ditto.
M'Intire, John -	28 Feb. 1835	—	24	3	—	Nottawasaga -	Simcoe -	S. U. E.
Miller, Eliza E. -	28 Mar. 1835	—	30	9	—	Sombra -	Kent -	D. U. E.
Mitchell, Robert -	4 Feb. 1830	27 May	E. $\frac{1}{2}$ 24	3	100	Landsdown -	Leeds -	clergy reservesale, 371. 10s.
M'Gregor, Alex. -	—	—	9	7	200	Beckwith -	Lanark -	clergy reserve sale, 1151.
M'Queen, Alex. -	—	—	N. $\frac{1}{2}$ 12	2	100	Woodhouse -	Norfolk -	clergy reserve sale, 621. 10s.
Morrow, Alexander	—	—	S. $\frac{1}{2}$ 20	4	—	Hope -	Durham -	clergy reserve sale, 751.
Middagh, Benjamin	11 Feb. 1836	—	36	9	200	Nottawasaga -	Simcoe -	S. U. E.
Mills, Joseph -	19 Jan. 1820	—	28, 29	5	100	Brooke -	Kent -	militia.
Millar, Adam -	—	—	N. $\frac{1}{2}$ 30	2	—	Nottawasaga -	Simcoe -	ditto.
Moss, Peter -	—	—	E. $\frac{1}{2}$ 3	9	—	Enniskillen -	Kent -	ditto.
M'Intyre, Joseph -	26 Dec. 1834	—	14	9	200	Ross -	Lanark -	S. U. E.
M'Naughton, Alex.	7 Mar. 1827	—	13	10	—	ditto -	ditto -	ditto.
M'Arthur, Duncan	4 Sep. 1834	—	{ 24 w. $\frac{1}{2}$ 24	6 & 7 5	—	Medonte -	Simcoe -	ditto.
M'Grigor, Duncan	8 Dec. 1835	—	18	5	—	ditto -	ditto -	ditto.
Mitchell, David -	4 Apr. 1833	—	13	7	—	Moore -	Kent -	ditto.
Miller, Jacob -	10 Oct. 1834	—	10	3	—	Plympton -	ditto -	ditto.
M'Micking, James	15 May 1835	—	41	11	—	Nottawasaga -	Simcoe -	ditto.
Miller, Justus -	4 Dec 1834	—	1	5	—	Collingwood -	ditto -	ditto.
Miller, Luke C. -	—	—	3	5	—	ditto -	ditto -	ditto.
M'Donell, Ronald	27 Nov. 1834	—	21	12	—	Sombra -	Kent -	ditto.
M'Millan, Margaret	28 Feb. 1835	—	23	12	—	ditto -	ditto -	D. U. E.
M'Dougal, Helen -	2 July 1829	—	1	6	—	Orillia -	Simcoe -	ditto.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
M ^c Intyre, Mary -	26 Dec. 1834	1836 : 27 May	14	8	200	Ross -	Carleton -	D. U. E.
Munro, Isabella -	4 Sep. 1834	—	- w. $\frac{1}{2}$ ^s 7 & 9.	3	—	Orillia -	Simcoe -	ditto.
M ^c Kay, Elizabeth	8 Dec. 1835	—	- E. $\frac{1}{2}$ ^s 8 & 10.	10	—	ditto -	ditto -	ditto.
Masters, Catherine	18 July 1833	—	30	10	—	Hungerford -	Hastings -	ditto.
M ^c Naughton, Mary	8 Dec. 1835	—	15	8	—	Ross -	Lanark -	ditto.
M ^c Taggart, Deborah	21 Mar. 1833	—	23	8	—	Madoc -	Hastings -	ditto.
M ^c Kenzie, Lucretia	5 Sep. 1833	—	7	7	—	Belmont -	- - Northum- berland.	ditto.
M ^c Kenzie, Caroline	—	—	- 22, 23, 24.	4	—	ditto -	ditto -	ditto.
Morgan, Mary -	1 July 1830	—	7	8	—	Plympton -	Kent -	ditto.
M ^c Guinn, Leslie -	2 Aug. 1832	—	w. $\frac{1}{2}$ 9	5	100	Adelaide -	Middlesex -	discharged soldier.
Mann, Patrick -	28 Nov. 1835	—	Part 2	12	70	Ramsay -	Lanark -	- - located by Hon. P. Robinson.
M ^c Neil, William -	6 Dec. 1832	28 May	{ 25 Part 25	13 14	200	Raleigh -	Kent -	S. U. E.
Mantle, James -	28 Nov. 1835	—	27	10	140	Huntley -	Carleton -	- - located by Hon. P. Robinson.
M ^c Cormick, John -	19 Jan. 1820	30 May	{ 5 & 6 E. $\frac{1}{2}$ 6	6 7	500	Gosfield -	Essex -	militia ensign.
May, James -	—	—	E. $\frac{1}{2}$ 24	9	100	Nissouri -	Middlesex -	ditto.
Merkley, Jacob H.	—	—	29	6	200	Nottawasaga	Simcoe -	militia serjeant.
M ^c Nearin, William	—	—	E. $\frac{1}{2}$ 2	8	100	Bathurst -	Lanark -	ditto.
Mann, Timothy -	28 Nov. 1835	—	E. $\frac{1}{2}$ 23	12	80	Beckwith -	ditto -	- - located by Hon. P. Robinson.
Mealy Patrick -	—	—	w. $\frac{1}{2}$ 1	5	100	Pakenham -	Carleton -	ditto.
Marsalis, Peter -	19 Jan. 1820	31 May	N. $\frac{1}{2}$ 29	10	—	Nottawasaga	Simcoe -	militia.
M ^c Carty, John -	28 Nov. 1835	—	w. $\frac{1}{2}$ 9	8	—	Goulburn -	Carleton -	- - located by Hon. P. Robinson.
Mara, James -	—	—	E. $\frac{1}{2}$ 13	10	—	ditto -	ditto -	ditto.
M ^c Laren, Duncan -	4 Feb. 1830	1 June	E. $\frac{1}{2}$ 24	9	—	Beckwith -	Lanark -	- - clergy reserve sale, 50 l.
Mann, Mercy -	17 Mar. 1836	—	1	6	—	Gosfield -	Essex -	D. U. E.
Marsalis, Garret -	19 Jan. 1820	—	s. $\frac{1}{2}$ 22	10	—	Nottawasaga	Simcoe -	militia.
M ^c Bride, Thomas -	—	—	s. $\frac{1}{2}$ 3	4	—	Dover -	Kent -	ditto.
M ^c Kenney, Thomas	- Land Board 1821.	—	s. $\frac{1}{2}$ 17	15	—	Mariposa -	Durham -	- - patent fee and survey paid.
Morris, Christeen -	30 June 1819	—	20	10	200	Dover -	Kent -	D. U. E.
M ^c Closkey, John -	7 July 1831	—	3	9	—	Medonte -	Simcoe -	discharged serjeant.
M ^c Pherson, David	28 Feb. 1835	—	E. $\frac{1}{2}$ 4	8	100	Dummer -	Northumberl.	military emigrant.
M ^c Gaurin, Michael	28 Nov. 1835	—	E. $\frac{1}{2}$ 25	1	—	Ramsay -	Lanark -	- - located by Colonel Talbot.
Moran, David -	7 Dec. 1830	3 June	7	- - South base line.	103	Big Island -	Prince Edward	- - Crown land sale, 81 l. 10 s. 10 d.
M ^c Arthur, Donald	19 Jan. 1820	—	w. $\frac{1}{2}$ 12	1	100	Horton -	Carleton -	militia.
M ^c Leod, Murdock	—	—	33	Front	—	Ross -	ditto -	ditto.
M ^c Laughlin, John	—	—	28	2	200	Plympton -	Kent -	militia serjeant.
Murphy, Daniel -	19 Mar. 1836	6 June	w. $\frac{1}{2}$ 1	1	100	Dummer -	- - Northum- berland.	discharged soldier.
Moss, James -	31 Mar. 1824	—	E. $\frac{1}{2}$ 25	12	—	Moore -	Kent -	discharged seaman.
M ^c Hutcheon, Thos.	2 Aug. 1832	—	E. $\frac{1}{2}$ 16	2	—	Adelaide -	Middlesex -	discharged soldier.
M ^c Kernan, John -	26 July 1832	—	w. $\frac{1}{2}$ 26	4	—	Dummer -	- - Northum- berland.	ditto.
M ^c Laughlin, Wil- liam.	19 Jan. 1820	9 June	s. $\frac{1}{2}$ 6	9	—	Mara -	Simcoe -	militia.
M ^c Cracken, Hugh	—	—	N. $\frac{1}{2}$ 4	10	—	ditto -	ditto -	ditto.
Murphy, Denis -	2 June 1836	10 June	E. $\frac{1}{2}$ 2	2	—	Marmora -	Hastings -	- - located by Hon. P. Robinson.
Mills, Robert -	28 Apr. 1836	—	E. $\frac{1}{2}$ 3	1	—	Ramsay -	Lanark -	discharged corporal.
M ^c Donell, Donald	19 Jan. 1820	—	s. $\frac{1}{2}$ 10	9	—	Thorah -	Simcoe -	militia.
Morse, Moses, as- signee of Wil- liam Marsh.	- 56th claim, commission- ers' report, 1831.	—	w. $\frac{1}{2}$ 4	Front	46	Sidney -	Hastings -	- - regulations prior to July 1796.
M ^c Donald, Daniel	10 Dec. 1832	—	6	7	200	Moore -	Kent -	S. U. E.
M ^c Burney, Hugh -	24 Apr. 1833	—	E. $\frac{1}{2}$ 16	3	100	Eldon -	Durham -	discharged soldier.
Murray, John -	9 May 1836	11 June	41	8 & 9	200	Grimsby -	Lincoln -	- - regulations prior to July 1796.
Moore, John -	2 June 1836	—	N. $\frac{1}{2}$ 16	4	50	Saltfleet -	Wentworth -	ditto.
Musselman, Fred ^k	8 Jan. 1835	—	$\frac{1}{4}$ 1	Erb's-road	—	Wilmot -	Halton -	half-fee grant.
M ^c Donald, Finley	14 Apr. 1836	13 June	16	King-street	$\frac{1}{2}$	London -	Middlesex -	- - patent fee and survey paid.
Murphy, Jeremiah	2 June 1836	—	w. $\frac{1}{2}$ 2	2	100	Marmora -	Hastings -	- - located by Hon. P. Robinson.
M ^c Clure, Samuel -	9 June 1836	—	E. $\frac{1}{2}$ 3	7	—	Medonte -	Simcoe -	discharged soldier.
M ^c Donald, William	12 May 1836	—	N. $\frac{1}{2}$ 21	4	—	Smith -	- - Northum- berland.	- - located by Hon. P. Robinson.
Mathers, Emanuel	19 May 1836	—	2	1	200	Adelaide -	Middlesex -	discharged serjeant.
Mitchell, James -	31 Mar. 1836	—	N. $\frac{1}{4}$ 20	3	100	London -	ditto -	- - located by Colonel Talbot.

SALE OF LANDS IN UPPER CANADA.

55

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Mason, John P. -	5 Jan. 1835	1836: 13 June	3	Dundas-st.	$\frac{1}{2}$	London	Middlesex	-- patent fee and survey paid.
Mosher, Reuben -	7 Oct. 1830	--	$\left\{ \begin{array}{l} E. \frac{1}{2} 1 \\ 17 \\ E. \frac{1}{2} 24 \end{array} \right.$	$\left\{ \begin{array}{l} 3 \\ 1 \\ 12 \end{array} \right.$	$\left\{ \begin{array}{l} 150 \\ 50 \end{array} \right.$	Sarnia - Moore -	$\left\{ \begin{array}{l} Kent - \\ - \end{array} \right.$	S. U. E.
Miller, John -	11 Aug. 1831	--	7	14	200	Emily -	Durham	discharged serjeant.
Madden, Thomas -	--	--	13	8	--	ditto -	ditto	ditto.
M'Carrol, Robert -	--	--	-- S. $\frac{1}{2}$ 14. 19.	1	--	ditto -	ditto	ditto.
Mills, James -	4 Feb. 1830	14 June	4	10	--	Marlborough	Grenville	-- clergy reserve sale, 37 l.
M'Collum, Hugh -	7 Dec. 1830	--	26	Fifth-street	1	Cornwall	Stormont	-- Crown land sale, 10 l. 10 s.
M'Burney, David	15 June 1820	--	N. $\frac{1}{2}$ 23	6	100	Tecumseth	Simcoe	-- regulations 1 January 1820.
M'Donald, John -	8 Mar. 1826	--	4	7	200	Eldon -	Durham	-- Patent fee and survey paid.
Murray, Joseph -	8 Nov. 1831	--	W. $\frac{1}{2}$ 7	5	100	Douro -	-- Northumberland.	discharged soldier.
Mulvogue, Hugh -	7 Apr. 1831	--	E. $\frac{1}{2}$ 21	4	--	Mono -	Simcoe	ditto.
M'Dermid, John -	28 Sep. 1832	--	W. $\frac{1}{2}$ 1	11	--	Huntley	Carleton	ditto.
M'Intyre, Archibald	5 Mar. 1825	--	$\frac{1}{4}$ 24	9	50	Otonabee	-- Northumberland.	free.
M'Intyre, Duncan	--	--	$\frac{1}{4}$ 24	9	--	ditto -	ditto	ditto.
M'Pherson, David	13 June 1836	15 June	$\left\{ \begin{array}{l} 29 \\ E. \frac{1}{2} 13 \end{array} \right.$	$\left\{ \begin{array}{l} 1 \\ 4 \end{array} \right.$	$\left\{ \begin{array}{l} 300 \end{array} \right.$	Adelaide	Middlesex	-- discharged quarter-master serjeant.
M'Ilwain, Baptiste	--	--	E. $\frac{1}{2}$ 1	13	100	ditto -	ditto	discharged soldier.
Morrow, Samuel	--	--	E. $\frac{1}{2}$ 1	12	--	ditto -	ditto	ditto.
M'Condra, Thomas	9 June 1836	--	W. $\frac{1}{2}$ 5	5	--	Medonte	Simcoe	ditto.
Marshall, James -	24 Nov. 1824	--	N. $\frac{1}{2}$ 4	8	--	Innisfil	ditto	-- patent fee and survey paid.
M'Clure, James -	23 Dec. 1825	--	-- E. $\frac{1}{2}$ 14, 15.	6	200	Essa -	Simcoe	-- regulations 31 January 1824.
M'Laughlin, Francis	18 Aug. 1824	--	E. $\frac{1}{2}$ 1	7	100	Mono -	ditto	-- patent fee and survey paid.
M'Gee, James -	8 Apr. 1819	--	N. $\frac{1}{2}$ 8	8	--	- West Gwillimbury.	ditto	ditto.
Mangin, Matthew	6 Sep. 1832	--	W. $\frac{1}{2}$ 1	6	--	Adelaide	Middlesex	discharged soldier.
M'Kay, George -	7 July 1831	--	N. $\frac{1}{2}$ 72	1	--	Medonte	Simcoe	ditto.
Mitchell, Elisha -	4 Feb. 1830	16 June	W. $\frac{1}{2}$ 16	4	--	- North Gwillimbury.	ditto	-- clergy reserve sale, 56 l. 5 s.
M'Carty, Dennis -	9 June 1836	--	W. $\frac{1}{2}$ 8	6	--	Douro -	-- Northumberland.	-- located by Hon. P. Robinson.
Messett, Patrick -	13 June 1836	--	E. $\frac{1}{2}$ 4	1	--	Caledon	York	discharged soldier.
Menely, Andrew -	--	--	1	1	200	Adelaide	Middlesex	-- patent fee and survey paid.
Marshall, Alex. -	24 Nov. 1823	--	S. $\frac{1}{4}$ 4	8	100	Innisfil	Simcoe	ditto.
Melotte, Paul -	17 Feb. 1825	--	22	Sixth-street	1	Cornwall	Stormont	ditto.
M'Donald, John -	19 Jan. 1825	--	26	First-street	--	ditto	ditto	ditto.
M'Cormick, Shepherd.	18 July 1833	--	16	1	200	Adelaide	Middlesex	-- late Lieutenant Royal Navy.
Middleton, William	10 Aug. 1832	--	W. $\frac{1}{2}$ 1	4	100	ditto	ditto	discharged soldier.
M'Kenna, Bernard	--	--	E. $\frac{1}{2}$ 1	5	--	ditto	ditto	ditto.
M'Hugh, Peter -	--	--	W. $\frac{1}{2}$ 1	5	--	ditto	ditto	ditto.
M'Lean, Alexander	7 Dec. 1830	17 June	1	First-street	1	Cornwall	Stormont	Crown land sale, 11 l.
Martin, James -	14 Apr. 1836	--	87	Talbot-rd.	200	Malahide	Middlesex	-- located by Colonel Talbot.
M'Gowen, Hugh -	18 Feb. 1836	--	N. $\frac{1}{2}$ 19	7	100	S ^d Sherbrooke	Lanark	military emigrant.
M'Clure, David -	21 Dec. 1825	--	W. $\frac{1}{2}$ 15	6	--	Essa -	Simcoe	-- patent fee and survey paid.
Miller, Robert -	23 July 1832	--	W. $\frac{1}{2}$ 5	2	--	Adelaide	Middlesex	discharged soldier.
M'Ewan, Duncan -	4 Feb. 1830	18 June	$\frac{1}{2}$ 21	10	--	Beckwith	Lanark	-- clergy reserve sale, 50 l.
M'Donald, Peter -	--	--	E. $\frac{1}{2}$ 27	2	--	Whitby	York	-- clergy reserve sale, 100 l.
Mitton, Edmond -	16 June 1836	--	10	Middle-rd.	100	Howard	Kent	-- located by Colonel Talbot.
Morgan, Elizabeth	17 Feb. 1825	--	7	2	200	Flos -	Simcoe	D. U. E.
Miller, Joseph -	4 Feb. 1836	20 June	S. $\frac{1}{2}$ 27	13	100	London	Middlesex	-- located by Colonel Talbot.
M'Intyre, Malcolm	14 Apr. 1836	--	N. $\frac{1}{2}$ 4	--	--	Ekfrid -	ditto	ditto.
Mitchell, Ephr. C.	13 June 1836	--	118	Talbot-rd.	200	Bayham	ditto	ditto.
Moore, John -	19 Jan. 1820	--	E. $\frac{1}{2}$ 12	2	100	Enniskillen	Kent	militia.
M'Arthur, William	18 Jan. 1834	--	7	11	200	- West Gwillimbury.	Simcoe	-- patent fee and survey paid.
M'Donell, Mary -	26 Aug. 1818	--	Part 16	8	--	Ross -	Carleton	D. U. E.
Miller, Elizabeth -	11 July 1833	--	Part 11	14	--	Brooke	Kent	ditto.
Marsh, Christine	27 Aug. 1833	--	29	3	--	Plympton	ditto	ditto.
M'Donough, Michl	21 June 1832	--	E. $\frac{1}{2}$ 4	3	100	Adelaide	Middlesex	discharged soldier.
M'Tavish, John -	4 Feb. 1830	21 June	W. $\frac{1}{2}$ 17	9	--	Beckwith	Lanark	-- clergy reserve sale in lieu of W. $\frac{1}{2}$ 17, 9 Con., Bathurst.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					RE MARKS.
			Lot.	Con.	Acres.	Township.	County.	
M'Neal, Hugh	20 June 1836	1836 : 21 June	23	King-street	$\frac{1}{2}$	London	Middlesex	-- patent fee and survey paid.
Matthews, Edward	—	—	26	Dundas-st.	sq. lks 21,710	ditto	ditto	ditto.
Morey, Samuel	19 Jan. 1820	—	S. $\frac{1}{2}$ 28	5	100	Nottawasaga	Simcoe	militia.
M'Lean, George	28 Sept. 1820	—	N. $\frac{1}{2}$ 39	East	—	Oro	ditto	-- patent fee and survey paid.
M'Guire, Patrick	27 June 1833	—	E. $\frac{1}{2}$ 19	10	—	Vespra	ditto	discharged soldier.
M'Dougall, David	9 Dec. 1826	—	44	West	200	Flos	ditto	discharged coxswain, R.N.
Morden, William	6 Nov. 1834	—	5	9	—	Collingwood	ditto	discharged artificer.
M'Masters, Ewen	6 Feb. 1823	22 June	E. $\frac{1}{2}$ 13	1	100	Caledonia	Prescott	-- patent fee and survey paid.
Murray, John	8 Aug. 1833	—	29	12	200	Zorra	Oxford	discharged serjeant.
Monaghan, James	8 Nov. 1832	—	w. $\frac{1}{2}$ 15	7	100	Vespra	Simcoe	discharged soldier.
M'Gowan, Robert	20 Oct. 1832	—	Part 21	14	—	ditto	ditto	ditto.
Moore, George	23 July 1832	23 June	56	2	—	Medonte	ditto	ditto.
M'Lean, Archibald	22 April 1831	—	$\frac{1}{4}$ 4	5 and 6	—	Caledon	York	ditto.
Mosher, Nicholas	19 Jan. 1820	24 June	10	15	—	Tilbury, East	Kent	militia.
M'Kenzie, John	—	—	$\left\{ \begin{array}{l} S. \frac{1}{2} 16 \\ N. \frac{1}{2} 20 \\ N. \frac{1}{2} 22 \end{array} \right\}$	9	500	Mara	Simcoe	militia quarter-master.
M'Cleran, Hugh	26 July 1820	—	$\frac{1}{4}$ 4	5	50	Caledon	York	free.
Monro, George	7 Dec. 1830	25 June	5	Toronto-st.	$\frac{1}{4}$	Port Credit	ditto	Crown land sale, 40 l.
M'Nally, James	— Land-board, 1821.	—	22	6	200	Cumberland	Russell	-- patent fee and survey paid.
M'Gillis, Donald	7 Feb. 1833	27 June	29	6	—	Enniskillen	Kent	S. U. E.
Mowat, John	6 Sept. 1832	—	$\left\{ \begin{array}{l} 18 \\ \text{Part 19} \end{array} \right\}$	11	—	Richmond	$\left\{ \begin{array}{l} \text{Lenox and} \\ \text{Addington.} \end{array} \right\}$	discharged serjeant.
Mason, David	3 April 1819	28 June	w. $\frac{1}{2}$ 9	9	100	Trafalgar	Halton	discharged soldier.
M'Leay, John	27 June 1833	—	w. $\frac{1}{2}$ 18	1	—	Warwick	Kent	discharged seaman.
Miller, John	30 June 1819	29 June	w. $\frac{1}{2}$ 5	6	—	Chiniquacousy	York	-- patent fee and survey paid.
Moorhead, James	6 Sept. 1832	—	N. $\frac{1}{2}$ 53	1	—	Medonte	Simcoe	discharged corporal.
Martin, Richard	20 June 1836	1 July	A tract	—	202	On Grand River	Haldimand	Indian land claimant.
Marsalis Peter	14 Nov. 1821	2 July	E. $\frac{1}{2}$ 22, 23.	7	200	Nasagieweya	Halton	S. U. E.
M'Donald, Neil	27 Oct. 1832	4 July	w. $\frac{1}{2}$ 18	4	100	Caledon	York	discharged soldier.
M'Mahon, James	7 July 1836	8 July	15	14	200	London	Middlesex	located by Col. Talbot.
M'Mahon, William	18 July 1834	—	N. $\frac{1}{2}$ 12	13	100	ditto	ditto	ditto.
Moody, Martin	2 Oct. 1834	9 July	30	5	200	Enniskillen	Kent	discharged artificer.
M'Donell, John	8 Mar. 1830	—	23	7	—	Verulam	Durham	S. U. E.
M'Nee, Colin	20 Oct. 1819	12 July	E. $\frac{1}{2}$ 2	12	100	Nissouri	Oxford	-- patent fee and survey paid.
M'Intosh, William	7 Dec. 1830	14 July	7 & 6	5	200	Toronto	York	Crown land sale, 65 l.
M'Donell, Angus	28 May 1823	16 July	$\left\{ \begin{array}{l} 1 \\ E. \frac{1}{2} 1 \end{array} \right\}$	7 8	300	Belmont	Northumberl.	$\left\{ \begin{array}{l} \text{lieutenant, Glengary Fen-} \\ \text{cibles.} \end{array} \right\}$
Mendell, Wm. F.	2 June 1836	—	Part 1	Gore	100	- Between Beverly & Puslinch	Halton	discharged soldier.
M'Gennerty, Dennis	10 Jan. 1833	18 July	N. $\frac{1}{2}$ 61	West	—	Flos	Simcoe	ditto.
Matthews, Abner	7 July 1836	20 July	A tract	—	38	Brantford	Wentworth	Indian land claimant.
M'Rory, Thomas	26 Oct. 1825	22 July	E. $\frac{1}{2}$ 19	1	100	Erin	Halton	reg ^{as} 31 January 1824.
M'Kay, John	4 Feb. 1830	23 July	24	2	200	Whitchurch	York	clergy reserve sale, 250 l.
Meredith, John	19 Jan. 1820	—	E. $\frac{1}{2}$ 23	5	100	Esquering	Halton	militia.
M'Laughlin, Wm.	—	—	1	14	—	Colchester	Essex	ditto.
Miner, Salmon	7 Dec. 1830	25 July	1	Front	25	Moulton	Haldimand	Crown land sale, 132 l.
M'Guire, John	4 Oct. 1832	—	N. $\frac{1}{2}$ 17	11	100	Innisfil	Simcoe	discharged soldier.
M'Neil, William	19 Jan. 1820	26 July	$\left\{ \begin{array}{l} N. \frac{1}{2} 25 \\ \text{Part 22} \end{array} \right\}$	9 A	—	Raleigh	Kent	militia.
M'Nab, Archibald	19 July 1836	—	5	8	200	MacNab	Carleton	patent fee paid.
M'Nab, Allan	—	—	8 & 9	3	320	ditto	ditto	ditto.
M'Kay, John	24 Mar. 1835	28 July	3	1	200	Elzevir	Hastings	discharged artificer.
Miller, Robert	17 Nov. 1819	—	S. $\frac{1}{2}$ 4	2	100	Innisfil	Simcoe	free.
Mighells, Flor. H.	7 July 1836	—	A tract	—	63	Brantford	Wentworth	Indian land claimant.
Moore, William	28 Feb. 1833	29 July	31	7	200	Nottawasaga	Simcoe	S. U. E.
May, Mary	7 Mar. 1832	—	13	7	—	Collingwood	ditto	D. U. E.
Merrill, Lewis	22 July 1836	—	8	North-street	$\frac{1}{2}$	London	Middlesex	-- patent fee and survey paid.
Montgomery, Jesse	28 Feb. 1833	—	36	7	200	Nottawasaga	Simcoe	S. U. E.
Montgomery, Arch.	28 Feb. 1834	—	32	7	—	ditto	ditto	ditto.
Moore, Peter	28 Mar. 1833	—	31	3	—	ditto	ditto	ditto.
M'Cann, Rachel	5 Feb. 1835	—	2	8	—	Cumberland	Russell	D. U. E.
M'Gillis, Nancy, assignee of Donald Ross.	-79th claim, commissioners' report in 1834.	30 July	8	Fourth-st.	1	Cornwall	Stormont	-- patent fee and survey paid.
M'Leod, Catherine	21 Mar. 1821	—	S. $\frac{1}{2}$ 11 & 12.	13	200	Colchester	Essex	D. U. E.
Notson, John	27 Sept. 1833	4 April	26	7	—	Plympton	Kent	discharged artificer.
Neill, Esther	14 April 1825	18 April	18	3	—	Adelaide	Middlesex	D. U. E.
Nelles, John	23 Dec. 1835	16 May	A tract	—	325	On Grand River	Haldimand	Indian land claimant.
Nelles, Abraham	27 Mar. 1829	17 May	21	1	200	Warwick	Kent	S. U. E.
Nelles, Mary A.	21 Feb. 1831	18 May	13	6	—	Enniskillen	ditto	D. U. E.
Norton, George	19 Jan. 1820	27 May	w. $\frac{1}{2}$ 10	10	100	Moore	ditto	militia.

1/03

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Nirding, Catherine	28 April 1835	1836: 27 May	{ Part 27 Part 26	9 10	100	Albion -	York -	soldier's widow.
Nagle, Michael	28 Nov. 1835	30 May	E. ½ 19	5		Bathurst -	Lanark -	- - located by Hon. P. Robinson.
Nagle, Garret	-	1 June	27	10	92	Ramsay	ditto -	ditto.
Nichol, John	4 Feb. 1836	-	w. ½ 1	11	100	Beckwith	ditto -	military emigrant.
Nappen, Trueman	19 Jan. 1820	3 June	w. ½ 20	8	-	Belmont	Northumberl.	militia.
Nunan, Charles	12 May 1836	10 June	Part 29	10	-	Verulam	Durham	- - located by Hon. P. Robinson.
Nichol, Stephen	13 July 1819	18 June	12	7	-	Smith -	Northumberl.	- - patent fee and survey paid.
Nagle, Gerard	28 Nov. 1835	-	E. ½ 26	9	-	Ramsay	Lanark -	- - located by Hon. P. Robinson.
Nelson, Thomas	10 May 1820	16 June	E. ½ 19	5	-	Otonabee	Northumberl.	free.
Nadeau, John	5 Sept. 1833	-	14	3	200	Marmora	Hastings	discharged artificer.
Nelles, Mary	20 May 1817	18 June	27	10	-	Enniskillen	Kent -	D. U. E.
Nelson, John	14 Nov. 1831	24 June	Parts 13 & 14	1	100	-Gwillimbury, West.	Simcoe	discharged soldier.
Nesbitt, James	24 Mar. 1819	27 June	w. ½ 4	1	-	Toronto	York -	- - patent fee and survey paid.
Newcomb, Eliakim	30 June 1836	28 July	62	Talbot-road	200	Oxford	Kent -	located by Col. Talbot.
Nickerson, Eleaz. F.	19 July 1836	-	A tract	-	4 8/10	Brantford	Wentworth	Indian land claimant.
Orser, Jesse	6 Mar. 1822	18 April	E. ½ 21	2	200	Dawn -	Kent -	S. U. E.
Osborne, Nathaniel	19 Jan. 1820	-	N. ½ 3	1	100	Huntley	Carleton	militia.
Odel, John	-	27 May	E. ½ 17	11	-	Moore -	Kent -	ditto.
Outwater, Elizabeth	27 Nov. 1834	-	E. ½ 12	13 & 14	200	Enniskillen	ditto -	D. U. E.
O'Bryan, Catherine	27 June 1833	-	3	12	-	Chatham	ditto -	ditto.
Ogden, Jane	28 Oct. 1835	-	30	10	-	Sombra	ditto -	ditto.
Orchard, Mary	5 April 1832	-	15	1	-	Enniskillen	ditto -	ditto.
Orser, Joseph	28 Feb. 1835	-	24	5	-	Sombra	ditto -	S. U. E.
O'Brien, Timothy	28 Nov. 1825	30 May	w. ½ 10	9	-	Ramsay	Lanark	- - located by Hon. P. Robinson.
Olmstead, Ephraim	19 Jan. 1820	31 May	w. ½ 20	6	-	Ross -	ditto -	militia.
O'Brien, James	-	1 June	S. ½ 30	9	-	Nottawasaga	Simcoe	ditto.
Ondercunk, Fred.	-	-	S. ½ 30	11	-	ditto -	ditto -	ditto.
O'Keefe, Patrick	28 Nov. 1835	-	w. ½ 15	11	-	Ramsay	Lanark	- - located by Hon. P. Robinson.
O'Regan, John	-	-	w. ½ 19	5	-	ditto -	ditto -	ditto.
O'Regan, Daniel	-	-	E. ½ 19	5	-	ditto -	ditto -	ditto.
O'Reilly, Michael	-	-	E. ½ 20	5	-	ditto -	ditto -	ditto.
O'Keefe, James	12 May 1836	10 June	E. ½ 17	1	-	Otonabee	Northumberl.	ditto.
O'Donald, Patrick	9 June 1836	14 June	E. ½ 2	6	-	Medonte	Simcoe	discharged soldier.
Overholt, John	26 May 1836	15 June	140	Talbot-road	200	Houghton	Norfolk	located by Col. Talbot.
Oliver, George	19 Jan. 1820	18 June	E. ½ 28	2	100	Marmora	Hastings	militia.
O'Brien, John	20 June 1836	21 June	14	York-street	½	London	Middlesex	- - patent fee and survey paid.
O'Donell, John	22 May 1832	22 June	S. ½ 18	13	100	W.Gwillimbury	Simcoe	discharged soldier.
O'Connor, Patrick	6 Sept. 1832	-	N. ½ 12	7	-	Sunnidale	ditto -	ditto.
O'Brien, John	12 June 1829	27 June	7	Charlotte-st.	½	Peterborough	Northumberl.	- - patent fee and survey paid.
Owen, Richard, assignee of Cornelius Sullivan.	-66th claim, commissioners' report, 1829.	-	w. ½ 27	7	100	Albion -	York -	ditto.
Osburn, Nathan	3 Oct. 1797	8 July	14	3	200	Scarborough	ditto -	ditto.
Powell, Francis	4 Feb. 1830	6 April	w. ½ 26	12	100	Goulburn	Carleton	clergy reserve sale, 48 l.
Pudney, Robert	6 Sept. 1832	7 April	E. ½ 8	5	-	Oro -	Simcoe	discharged soldier.
Phillips, James	18 May 1833	8 April	13	11	200	Brooke	Kent -	S. U. E.
Parrent, Joseph	6 Nov. 1834	9 April	7	1	-	ditto -	ditto -	discharged artificer.
Paul, Anson	3 Mar. 1836	13 April	S. ½ 1	1	100	Ekfrid -	Middlesex	located by Col. Talbot.
Peltier, Alexis	19 Jan. 1820	-	Part 1	10	-	Colchester	Essex -	militia.
Papst, John	19 Dec. 1833	-	16	1	200	Sarnia -	Kent -	S. U. E.
Porterfield, George	10 Aug. 1832	-	w. ½ 7	3	100	Adelaide	Middlesex	discharged soldier.
Pratt, Francois	19 Jan. 1820	14 April	Part 150	3	48	Sandwich	Essex -	militia.
Pratt, Theodore	-	-	Part 151	3	53	ditto -	ditto -	ditto.
Parlow, John	28 Oct. 1835	15 April	6	4	200	Sombra	Kent -	S. U. E.
Papts, John, devisee of Adam Papts.	-23th claim, commissioners' report, 1827.	16 April	{ w. ½ 1 E. ½ 2 }	3	-	Osnabrock	Stormont	reg ^{as} prior to July 1796.
Phelan, Mary	28 April 1836	10 May	E. ½ 14	3	100	Douro -	Northumberl.	discharged soldier.
Peach, John	24 Mar. 1831	19 May	3	9	200	Chatham	Kent -	S. U. E.
Peck, James	6 Oct. 1831	-	5	9	-	ditto -	ditto -	ditto.
Pettingell, Martin	18 July 1834	-	18	1	-	Harvey	Northumberl.	ditto.
Peters, Stephen	24 Mar. 1835	24 May	{ E. ½ 2 E. ½ 7 }	2 6	-	Sarnia -	Kent -	ditto.
Peebles, Archibald	6 Dec. 1832	-	26	1	-	Warwick	ditto -	ditto.
Price, Abraham	17 Mar. 1836	-	w. ½ 26, 27.	3	-	Dawn -	ditto -	ditto.
Phillips, John	6 April 1836	-	13	Talbot-road	-	Southwold	Middlesex	located by Col. Talbot.
Peebles, Alexander	6 Dec. 1832	25 May	16	1	-	Warwick	Kent -	S. U. E.
Pearsall, Ann	4 Sept. 1834	-	17	2	-	Plympton	ditto -	D. U. E.
Perry, Mary	7 Feb. 1833	-	25	8	-	ditto -	ditto -	ditto.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Palmer, Thomas	26 Nov. 1823	1836: 23 May	31	6	200	Verulam	- Northumber- land.	S. U. E.
Peterson, Samuel	19 Jan. 1820	27 May	S. $\frac{1}{2}$ 9	5	100	Collingwood	Simcoe -	militia.
Pollard, Francis	—	—	N. $\frac{1}{2}$ 36	11	—	Nottawasaga	ditto -	ditto.
Palmer, Jonathan	17 Mar. 1825	—	—	3	200	Erin	Halton -	regulations, 31 Jan. 1824.
Pettit, Robert	10 Mar. 1819	—	w. $\frac{1}{2}$ 1	6	100	Trafalgar	ditto -	-- patent fee and survey paid.
Palmer, Hazleton	4 Dec. 1834	—	30	4	200	Enniskillen	Kent -	S. U. E.
Putnam, Jacob	18 Feb. 1824	—	{ E. $\frac{1}{2}$ 6 and 7. }	15	—	Garrafraxa	Halton -	ditto.
Putnam, Henry	9 May 1821	—	{ w. $\frac{1}{2}$ 7 and 8. }	16	—	ditto	ditto -	ditto.
Park, Milo	12 June 1834	—	6	4	—	Collingwood	Simcoe -	ditto.
Prindle, Drury	4 Dec. 1834	—	17	4	—	Enniskillen	Kent -	ditto.
Palmer, Daniel	22 Feb. 1834	—	23	10	—	ditto	ditto -	ditto.
Platt, Wilson	2 Oct. 1834	—	25	2	—	Nottawasaga	Simcoe -	discharged artificer.
Platto, Cornelius	24 Mar. 1835	—	31	12	—	ditto	ditto -	S. U. E.
Patrick, Hannah	4 Sep. 1834	—	9	7	—	Enniskillen	Kent -	D. U. E.
Fickard, Elijah	28 May 1832	—	3	5	—	Dover	ditto -	S. U. E.
Phillips, Jehiel	19 Jan. 1820	30 May	32	3	—	Nottawasaga	Simcoe -	militia serjeant.
Primer, Peter	—	—	E. $\frac{1}{2}$ 32	9	100	ditto	ditto -	ditto.
Park, David	—	31 May	E. $\frac{1}{2}$ 31	2	—	ditto	ditto -	ditto.
Phelps, Crisina	23 Dec. 1835	—	a tract	—	58	Brantford	Wentworth	Indian land claimant.
Pauling, Wm. Y.	27 Oct. 1834	—	15	2	200	Plympton	Kent -	S. U. E.
Phelan, John	28 Nov. 1835	1 June	E. $\frac{1}{2}$ 18	1	100	Ramsay	Lanark -	-- located by Hon. P. Ro- binson.
Philips, Peter	19 Jan. 1820	3 June	24	6, 7 & 8	—	Mariposa	Durham	militia.
Pardon, William	28 June 1832	6 June	E. $\frac{1}{2}$ 14	4	—	Brock	York -	discharged soldier.
Powell, Jacob	19 Jan. 1820	9 June	20	5	200	Medonte	Simcoe -	militia serjeant.
Pomaville, Joseph	—	10 June	S. $\frac{1}{2}$ 7	9	100	Mara	ditto -	ditto.
Post, Sarah	3 April 1834	—	6	7	200	St. Vincent	ditto -	D. U. E.
Parkes, Jason	10 Mar. 1834	—	16	5	—	Plympton	Kent -	S. U. E.
Pitts, Cheseley	19 Jan. 1820	—	w. $\frac{1}{2}$ 16	1	100	Mulmur	Simcoe -	militia.
Payette, Joseph	—	14 June	N. $\frac{1}{2}$ 13	11	—	Lobo	Middlesex	ditto.
Pawling, Ruth	19 Aug. 1833	15 June	10	4	200	Sarnia	Kent -	D. U. E.
Potts, Thomas	4 Mar. 1824	—	S. $\frac{1}{2}$ 9	10	100	Hungerford	Hastings	discharged soldier.
Peterson, Leah	6 Jan. 1827	—	8	11	200	ditto	ditto -	D. U. E.
Pegley, Robert	2 Aug. 1832	16 June	20	1	—	Adelaide	Middlesex	-- late quarter-master, 4th Veteran Battalion.
Parant, Hypolite	19 Jan. 1820	18 June	w. $\frac{1}{2}$ 17	6	100	Sarnia	Kent -	militia.
Pence, Frederick	—	—	w. $\frac{1}{2}$ 29	3	—	Marmora	Hastings	ditto.
Purdy, Joseph	5 Feb. 1835	—	26	3	200	ditto	ditto -	S. U. E.
Powley, Francis	19 Jan. 1820	—	E. $\frac{1}{2}$ 29	2	100	ditto	ditto -	militia.
Park, Wm. A.	13 June 1836	20 June	23	Dundas-st.	$\frac{1}{2}$	London	Middlesex	-- patent fee and survey paid.
Pettit, John	19 Jan. 1820	21 June	w. $\frac{1}{2}$ 1	10	100	Collingwood	Simcoe -	militia.
Palmer, Daniel	17 Mar. 1836	—	24	5	200	ditto	ditto -	S. U. E.
Parker, Jeremiah	18 June 1817	—	E. $\frac{1}{2}$ 2	1	100	Monaghan	-Northumber- land.	-- patent fee and survey paid.
Phair, William	12 June 1832	—	7	4	200	Clarke	Durham	discharged serjeant.
Ponton, Mongo	4 Aug. 1831	22 June	{ 7 14 }	{ 12 13 }	400	Seymour	Northumberl.	free.
Parish, Horace	19 Jan. 1820	24 June	14	1	200	Enniskillen	Kent -	militia serjeant.
Purdy, Samuel D.	12 July 1820	—	26	2	—	Marmora	Hastings	S. U. E.
Powell, John	7 Dec. 1830	25 June	7	Port-street	$\frac{1}{2}$	Port Credit	York -	Crown land sale, 14 l.
Pilsworth, Joseph	—	27 June	3	Wellington- street.	sq. lks. 25, 100	Brantford	Wentworth	Crown land sale, 12 l.
Perrin, Thomas	27 June 1836	28 June	a tract	-	151	ditto	ditto -	Indian land claimant.
Papineau, Louis	7 Dec. 1830	1 July	21	Front	100	Moore	Kent -	Crown land sale, 25 l.
Pettingall, Joseph	5 Jan. 1835	—	12, 13	9	200	Tilbury East	ditto -	S. U. E.
Post, Isaac, assignee of Serjeant Bogle.	- 36th claim, commission- ers' report.	9 July	E. $\frac{1}{2}$ 1	4	100	Fredericksburg	Lennox & Ad- dington.	military claimant.
Peterson, Samuel	21 Mar. 1831	12 July	21	6	200	Sombra	Kent -	S. U. E.
Peterson, Elizabeth	7 Aug. 1824	13 July	26	6	—	ditto	ditto -	D. U. E.
Peterson, James	—	—	{ S. $\frac{1}{2}$ 11, 12 }	15	—	ditto	ditto -	S. U. E.
Peterson, Sarah	—	—	27	6	—	ditto	ditto -	D. U. E.
Pickell, Francis	7 July 1836	20 July	a tract	-	104	Brantford	Wentworth	Indian land claimant.
Palmer, James	19 Jan. 1820	22 July	N. $\frac{1}{2}$ 31	13	100	Hungerford	Hastings	militia.
Pruner, Julia	28 Oct. 1833	26 July	25	10	200	Collingwood	Simcoe -	D. U. E.
Pruner, Polly	—	30 July	8	7	—	Nottawasaga	ditto -	ditto.
Quinn, Timothy	28 Nov. 1835	1 June	w. $\frac{1}{2}$ 4	4	100	Ramsay	Lanark -	-- located by Hon. P. Ro- binson.
Quig, John	10 Jan. 1832	6 June	w. $\frac{1}{2}$ 8	4	—	Sarnia	Kent -	discharged soldier.
Quinlan, John	2 June 1836	10 June	E. $\frac{1}{2}$ 20	3	—	Marmora	Hastings	-- located by Hon. P. Ro- binson.
Quail, Thomas	9 June 1836	13 June	E. $\frac{1}{2}$ 5	9	—	Medonte	Simcoe -	discharged soldier.
Quin, Christopher	4 Aug. 1831	17 June	N. $\frac{1}{2}$ 23	9	—	Smith	Northumberl.	ditto.
Quant, Henry	5 Mar. 1823	18 June	{ E. $\frac{1}{2}$ 26, 27 }	13	200	Dawn	Kent -	S. U. E.
Quider, William	16 June 1836	14 July	a tract	-	42	Canborough	Haldimand	Indian land claimant.
Rombough, Sarah	19 Aug. 1833	4 April	23	6	200	Verulam	Durham	D. U. E.
Rombough, Nich. A.	—	—	—	5	—	ditto	ditto -	S. U. E.

SALE OF LANDS IN UPPER CANADA.

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NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Ansier, William -	14 Sep. 1825	1836: 6 Apr.	4	3	200	Mulmur	Simcoe	S. U. E.
ayan, Moses -	26 Jan. 1821	—	s. ½ 19	9	100	Plantagenet	Prescott	-- patent fee and survey paid.
teilly, John -	5 Jan. 1824	—	½ 1	1	—	Pakenham	Carleton	free.
andell, Elizabeth	23 July 1830	7 Apr.	25	4	200	Melancthon	Simcoe	D. U. E.
tutter, George -	18 May 1833	8 Apr.	22	13	—	Enniskillen	Kent	S. U. E.
ose, Alexander -	19 Jan. 1820	11 Apr.	20 19 { s. ½ 20 }	8 9	500	Gosfield	Essex	militia.
obins, Mary -	27 Feb. 1834	13 Apr.	24	11	200	Enniskillen	Kent	D. U. E.
oss, John -	7 Dec. 1830	—	- 3 town lots.	-	6	Brantford	Wentworth	Crown land sale, 65 l. 5 s.
obbins, Robert -	11 May 1825	14 Apr.	7	4	200	Warwick	Kent	S. U. E.
owland, Thomas	19 Jan. 1820	15 Apr.	s. ½ 6	5	100	Colchester	Essex	militia.
oss, Richard C. -	27 Oct. 1832	—	15 14, 21, 22 - 16, pt. 24.	7 8 9	923	Medonte	Simcoe	lieutenant, Royal Navy.
owland, William	11 Aug. 1831	—	s. ½ 1	9	100	Ops	Durham	discharged soldier.
teilly, John -	29 April 1824	18 Apr.	w. ½ 4	6	—	Adjala	Simcoe	-- patent fee and survey paid.
ose, Andrew -	23 Dec 1835	14 May	a tract	-	200	Brantford	Wentworth	Indian land claimant.
andolph, Lydia -	12 Nov. 1827	17 May	11	4	—	Moore	Kent	D. U. E.
aymond, Margaret	2 June 1819	—	26	6	—	ditto	ditto	ditto.
Rogers, John -	19 Jan. 1820	19 May	E. ½ 20	7	100	Marmora	Hastings	militia.
Ruttan, David -	11 Apr. 1833	20 May	Part 6 3 2	B D E	200	Garrafraxa	Halton	S. U. E.
Redman, Robert -	19 Jan. 1820	24 May	E. ½ 19	8	100	Ramsay	Lanark	militia.
Raymer, Sarah -	27 June 1833	—	21	6	200	Dawn	Kent	D. U. E.
Rockwood, Phoebe	7 Aug. 1834	25 May	33 & 34	2	—	Pembroke	Lanark	ditto.
Ressequire, Timothy	22 June 1825	26 May	29, 30 (E. ½ 30)	13 14	500	Plympton	Kent	- Non-commissioned officer, Queen's Rangers.
Rabideaux, Jean B.	4 Feb. 1830	27 May	s. ½ 73	6	100	Malden	Essex	-- clergy reserve sale, 62 l. 10 s.
Ross, Leonard -	19 Jan. 1820	28 May	E. ½ 2	16	—	Chatham	Kent	militia.
Ross, Colin -	22 July 1824	—	28	9	200	Belmont	Northumberl.	S. U. E.
Rowe, George -	7 Feb. 1833	—	N. ½ 4	14	100	Tecumseth	Simcoe	discharged soldier.
Rousehorn, Hannah	11 Feb. 1836	—	12	1	200	Nottawasaga	ditto	D. U. E.
Robinson, Lucinda	17 May 1836	—	2	6	—	Gosfield	Essex	ditto.
Ryan, Cornelius -	28 Nov. 1835	—	w. ½ 4	2	100	Ramsay	Lanark	-- located by Hon. P. Robinson.
Richely, Andrew -	19 Jan. 1820	30 May	w. ½ 25	11	—	Belmont	Northumberl.	militia.
Rae, James -	28 Nov. 1835	—	w. ½ 21	5	—	Ramsay	Lanark	-- located by Hon. P. Robinson.
Rutherford, Joseph	18 June 1817	31 May	w. ½ 11	10	—	Cavan	Durham	-- patent fee and survey paid.
Reilly, William -	29 Apr. 1824	—	w. ½ 2	6	—	Adjala	Simcoe	ditto.
Rorke, Richard -	29 Sept. 1834	—	- N.W. ¼ 13, 14.	8	—	Tecumseth	ditto	ditto.
Rorke, George -	26 July 1826	—	s. ½ 13	8	100	ditto	ditto	-- regulations 1 January 1820.
Ranken, Thomas -	12 June 1832	—	- E. ½ 25, 26.	8	200	Madoc	Hastings	S. U. E.
Rowe, John -	31 Mar. 1836	—	N. ½ 30	3	100	Malabide	Middlesex	located by Col. Talbot.
Rowley, Mary -	3 Dec. 1835	—	16	2	200	Nottawasaga	Simcoe	D. U. E.
Ruttan, Margaret -	28 Oct. 1835	—	32	11	—	ditto	ditto	ditto.
Rousseau, George -	3 Apr. 1834	—	13, 14 { E. ½ 15 }	4	500	Moore	Kent	lieut. Indian department, during the late wars.
Radcliff, John -	23 Oct. 1833	—	13, 14	1	400	Adelaide	Middlesex	lieutenant, Royal Navy.
Robinson, Thomas	12 July 1831	—	Part 14	11	100	Ops	Durham	discharged soldier.
Rowley, John -	3 Nov. 1831	—	N. ½ 70	1	—	Flos	Simcoe	ditto.
Rittenhouse, Michl	7 Dec. 1830	1 June	10	6	120	Cayuga	Haldimand	Crown land sale, 102 l.
Robb, John -	—	—	E. ½ 12	3	100	Dummer	- Northumberland.	Crown land sale, 25 l.
Rahilly, Timothy -	23 Nov. 1835	—	E. ½ 7	4	—	Ramsay	Lanark	-- located by Hon. P. Robinson.
Riorden, William -	—	—	E. ½ 23 21, 22, 23	5 8	—	ditto	ditto	ditto.
Reynolds, Ebenezer	19 Jan. 1820	3 June	23, w. ½ 22 w. ½ 4	9 11	1,000	Moore	Kent	militia major
Range, James -	21 July 1831	6 June	15	8	200	Dummer	- Northumberland.	discharged serjeant.
Raymond, Stephen	14 Apr. 1836	10 June	N. ½ 13	1	100	Carradoc	Middlesex	located by Col. Talbot.
Rogers, John -	1 May 1834	—	19	5	200	Plympton	Kent	S. U. E.
Ross, George -	4 Feb. 1836	—	16	2	—	Eldon	Durham	discharged serjeant.
Roach, Patrick -	12 May 1836	—	E. ½ 12	17	100	Otonabee	- Northumberland.	-- located by Hon. P. Robinson.
Roran, Timothy -	5 July 1832	—	w. ½ 5	11	—	Medonte	Simcoe	discharged soldier.
Robertson, John -	13 Mar. 1827	—	14, 15	7	400	Westmeath	Lanark	-- fees suspended, Scotch emigrant.
Rose, John -	28 June 1832	11 June	19	7	200	ditto	ditto	S. U. E.
Rocker, John -	8 Jan. 1835	—	½ 22	Erb's-road	50	Wilnot	Halton	half-fee patent.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Ross, Sophia -	28 Mar. 1833	1836: 11 June	12	13	200	Brooke -	Kent -	D. U. E.
Robinson, Hannah -	25 Aug. 1834	—	30, 31	Front -	—	Pembroke -	Carleton -	ditto.
Robins, Jethro -	9 June 1836	13 June	E. $\frac{1}{2}$ 7	7	100	Medonte -	Simcoe -	discharged soldier.
Rutherford, Justus -	—	—	9	6	200	ditto -	ditto -	discharged serjeant.
Rotchford, James -	12 May 1836	—	N. $\frac{1}{2}$ 23	5	100	Emily -	Durham -	- - located by Hon. P. Robinson.
Ross, David S. -	7 Dec. 1830	14 June	20	Dunlop-st.	$\frac{1}{4}$	Barrie -	Simcoe -	Crown land sale, 157. 15.
Rea, Thomas -	20 July 1825	—	{ 7 12	{ 10 9	{ 400	Ops -	- - Northumberland.	- - regulations, 5 January 1819.
Rogers, Mary A. -	3 Jan. 1833	—	N. $\frac{1}{2}$ 29	10	100	Smith -	ditto -	soldier's widow.
Rousseaux, Margaret.	8 May 1833	—	9	13	200	Colchester -	Essex -	D. U. E.
Roach, Maurice -	12 May 1836	—	w. $\frac{1}{2}$ 14	16	100	Otonabee -	- - Northumberland.	- - located by Hon. P. Robinson.
Reardon, Jeremiah -	9 June 1836	15 June	E. $\frac{1}{2}$ 5	7	—	Medonte -	Simcoe -	discharged soldier.
Ross, Arthur -	11 Sep. 1832	—	w. $\frac{1}{2}$ 2	12	—	Adelaide -	Middlesex -	ditto.
Ryan, William -	2 Aug. 1832	16 June	E. $\frac{1}{2}$ 19	2	—	ditto -	ditto -	ditto.
Reiley, James -	6 Sep. 1832	—	Part 12	4	—	ditto -	ditto -	ditto.
Ryan, Matthew -	11 Oct. 1832	—	N. $\frac{1}{2}$ 11	8	—	Marmora -	Hastings -	ditto.
Rutledge, John -	22 Apr. 1819	17 June	E. $\frac{1}{2}$ 11	5	—	Toronto -	York -	- - patent fee and survey paid.
Rollings, William -	6 Sep. 1832	—	8	4	200	Vespra -	Simcoe -	discharged serjeant.
Rogers, James -	24 Oct. 1831	—	29	11	—	Smith -	- - Northumberland.	ditto.
Richardson, John -	2 June 1836	18 June	24	3	—	Marmora -	Hastings -	S. U. E.
Runion, Henry -	20 Oct. 1832	—	7	1	—	Flos -	Simcoe -	ditto.
Robinson, Henry -	5 May 1819	20 June	6	1	—	Oro -	ditto -	- - patent fee and survey paid.
Roblin, Mary -	28 Feb. 1835	—	4	5	—	Plympton -	Kent -	D. U. E.
Reynolds, William -	19 Aug. 1820	—	N. $\frac{1}{2}$ 14	5	100	Pickering -	York -	militia.
Rorison, Robert -	27 Jan. 1819	—	- N. $\frac{1}{2}$ 9 & 10.	2	200	Leeds -	Leeds -	S. U. E.
Routledge, Thomas -	13 June 1836	—	- S. $\frac{1}{2}$ 25, 26.	4	—	London -	Middlesex -	located by Col. Talbot.
Ryan, Thomas -	19 Jan. 1833	—	E. $\frac{1}{2}$ 2	6	100	Colchester -	Essex -	discharged soldier.
Raymond, Edmund -	20 June 1836	21 June	19	Horton-st.	$\frac{1}{2}$	London -	Middlesex -	- - patent fee and survey paid.
Robertson, Archib ^d -	3 Mar. 1831	—	18	11	200	Vespra -	Simcoe -	discharged serjeant.
Ross, William -	23 July 1832	—	8	5	—	Medonte -	ditto -	ditto.
Rusk, Andrew -	4 Feb. 1836	—	8	10	—	Collingwood -	ditto -	S. U. E.
Rogers, Peter -	20 June 1836	—	25	York-street	$\frac{1}{2}$	London -	Middlesex -	- - patent fee and survey paid.
Route, James -	23 July 1832	22 June	E. $\frac{1}{2}$ 4	4	100	Orillio -	Simcoe -	discharged corporal.
Ross, John -	1 Aug. 1833	—	E. $\frac{1}{2}$ 20	7	—	Zorra -	Oxford -	discharged soldier.
Richardson, Rachael -	2 June 1836	23 June	23	2	200	Marmora -	Hastings -	D. U. E.
Robinson, Peter -	7 Dec. 1830	24 June	- 2 town lots.	- - -	1 $\frac{3}{4}$	- - City of Toronto -	York -	Crown land sale, 7567.
Ruston, Robert -	20 July 1830	—	w. $\frac{1}{2}$ 23	10	100	Albion -	ditto -	discharged soldier.
Runion, Jane -	26 Mar. 1836	28 June	- S. $\frac{1}{2}$ 13, 14.	12	200	Mara -	Simcoe -	D. U. E.
Redden, Stephen -	1 July 1830	30 June	17	12	—	Harvey -	- - Northumberland.	S. U. E.
Roblin, David -	4 Sep. 1822	4 July	26	9	—	Hungerford -	Hastings -	ditto.
Roblin, David -	19 Jan. 1820	23 July	s. $\frac{1}{2}$ 31	13	100	ditto -	ditto -	militia.
Rickleby, Jacob -	23 Mar. 1833	29 July	28	2	200	Verulam -	Durham -	S. U. E.
Robbins, William -	11 May 1825	—	27	9	—	Collingwood -	Simcoe -	ditto.
Reade, George H. -	12 Mar. 1827	30 July	{ 10 10	Brook-street Cockburn-st.	{ 12 $\frac{1}{2}$	Perth -	Lanark -	- - patent fee and survey paid.
Shirreff, Robert -	13 July 1823	6 Apr.	- Parts 17, 18.	12	70	Fitzroy -	Carleton -	military emigrant.
Stanley, Thomas -	28 Feb. 1835	—	Part 8	- - -	10	- - adjoining Richmond.	ditto -	free.
Smith, William -	23 July 1832	—	w. $\frac{1}{2}$ 1	7	100	Medonte -	Simcoe -	commuted pensioner.
Snyder, Mary -	19 Feb. 1823	—	11	11	200	Fitzroy -	Carleton -	D. U. E.
Schwerdfeger Henry, assignee of Philip Cook.	- 52d claim, commissioners' report, 1828.	—	w. $\frac{1}{2}$ 20	2	100	- - Williamsburgh.	Dundas -	- - regulations prior to July 1796.
Storms, Clarissa -	18 May 1833	7 Apr.	12	11	200	Brooke -	Kent -	D. U. E.
Smith, Ashman -	4 Dec. 1834	8 Apr.	16	4	—	Enniskillen -	ditto -	S. U. E.
Smith, Sebastian -	—	—	18	4	—	ditto -	ditto -	ditto.
Shipman, John -	19 Jan. 1820	11 Apr.	N. $\frac{1}{2}$ 6	7	100	Innisfil -	Simcoe -	militia.
Smith, Benjamin William.	7 Dec. 1830	- -	4 lots -	- - -	6	Keswick -	York -	Crown land sale, 337. 10s.
Souillier, Baptiste -	19 Jan. 1820	13 Apr.	w. $\frac{1}{2}$ 2	6	100	Chatham -	Kent -	militia.
Shaver, John H. -	—	—	N. $\frac{1}{2}$ 21	7	—	Gosfield -	Essex -	ditto.
Sipes, James -	19 Aug. 1833	14 Apr.	23	7	200	Moore -	Kent -	S. U. E.
Switzer, Norris -	19 Jan. 1820	15 Apr.	s. $\frac{1}{2}$ 27	2	100	Nottawasaga -	Simcoe -	militia.
Smith, John -	—	—	Part 13	6	—	Belmont -	- - Northumberland.	ditto.
Stevens, Elizabeth -	2 July 1829	—	7	7	200	Enniskillen -	Kent -	D. U. E.
Swarts, James -	8 Dec. 1832	18 Apr.	26	4	—	Warwick -	ditto -	S. U. E.

SALE OF LANDS IN UPPER CANADA.

61

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Sheets, David, de- visee of his father.	- 14th claim, commission- ers' rep., 1831.	1836 : 20 April	E. $\frac{1}{2}$ 33	2	100	Cornwall	- Stormont	- militia claimant.
Smith, Israel -	19 Jan. 1820	22 April	7	12	200	Howard	- Kent	- militia serjeant.
Spragge, Joseph -	28 Apr. 1825	25 April	{ N. $\frac{1}{2}$ 20 21, 22 }	2	500	Dover	- ditto	- reg ^{ns} prior to July 1796.
St. John, Pierre -	7 Nov. 1833	6 May	28	6	200	Fenelon	- Durham	- discharged serjeant.
Sage, Lavinia -	13 Sep. 1832	—	25	4	—	Moore	- Kent	- D. U. E.
Sherwood, Margaret	3 May 1832	—	7	13	—	Tecumseth	- Simcoe	- ditto.
Silvester, Peter -	10 Dec. 1823	—	$\frac{1}{4}$ 1	1	50	ditto	- ditto	- gratuitous.
Shackleton, William	23 Dec. 1835	16 May	a tract	-	112	Brantford	- Wentworth	- Indian land claimant.
Scarlett, Catharine -	18 Feb. 1824	17 May	15	11	200	Howard	- Kent	- D. U. E.
Switzer, Matthias -	19 June 1832	18 May	24	18	—	Harvey	- Northumberland	- S. U. E.
Sills, Conrad -	13 June 1833	19 May	17	8	—	Fenelon	- Durham	- ditto.
Straw, Nathan -	4 Feb. 1830	24 May	Part 2	1 & Front	102 $\frac{1}{2}$	Hope	- ditto	- clergy res ^{ve} sale, 115 <i>l.</i> 6 <i>s.</i> 3 <i>d.</i>
Shields, Edward -	—	—	Part 25	2	92 $\frac{1}{2}$	Puslinch	- Halton	- clergy res ^{ve} sale, 69 <i>l.</i> 3 <i>s.</i> 9 <i>d.</i>
Shaver, Henry A. -	6 Dec. 1832	—	26	7	200	Horton	- Carleton	- S. U. E.
Sypes, Jacob -	18 Mar. 1818	—	5	3	—	Collingwood	- Simcoe	- ditto.
Schram, Catharine -	20 May 1817	—	32	3	—	Nissouri	- Middlesex	- D. U. E.
Sherman, Mary -	6 Dec. 1832	—	3	7	—	Plympton	- Kent	- ditto.
Shaver, Martha -	17 Mar. 1836	—	{ w. $\frac{1}{2}$ 17 E. $\frac{1}{2}$ 17 }	3 4	—	Dawn	- ditto	- ditto.
Stevens, Alfred -	19 Jan. 1820	25 May	E. $\frac{1}{2}$ 1	6	—	Fenelon	- Durham	- militia.
Sipes, Andrew -	7 Feb. 1833	—	3	5	—	Warwick	- Kent	- S. U. E.
Sutherland, John -	19 Dec. 1833	—	13	8	—	Enniskillen	- ditto	- ditto.
Seelye, Guy -	21 Feb. 1821	—	4	10	—	Moore	- ditto	- ditto.
Schram, Benjamin -	31 Mar. 1836	—	26	King-street	$\frac{1}{2}$	London	- Middlesex	- - patent fee and survey paid.
Souillier, Bernard -	19 Jan. 1820	26 May	17	12	100	Sandwich	- Essex	- militia.
Sarke, William -	6 Nov. 1834	—	15	2	200	Brooke	- Kent	- discharged artificer.
Seeley, John -	19 Jan. 1820	27 May	E. $\frac{1}{2}$ 6	11	100	Pakenham	- Carleton	- militia.
Seron, David -	—	—	w. $\frac{1}{2}$ 3	5	—	Madoc	- Hastings	- ditto.
Sweet, Charlotte -	17 May 1836	—	4	6	200	Gosfield	- Essex	- D. U. E.
Schram, Peter -	9 July 1817	—	5	5	—	ditto	- ditto	- S. U. E.
Spurgin, Samuel -	19 Feb. 1817	—	15	2	—	Harwich	- Kent	- ditto.
Simson, Jacob -	7 Feb. 1821	—	18	8	—	Chatham	- ditto	- ditto.
Segar, Frederick -	27 Jan. 1816	—	N. $\frac{1}{2}$ 10	7	100	Hungerford	- Hastings	- S. U. E.
Sager, Frederick A. -	22 Feb. 1834	—	{ Part 13 Brok. 14 }	13	200	Chatham	- Kent	- ditto.
Servis, Catharine -	27 June 1833	—	{ E. $\frac{1}{2}$ 6 w. $\frac{1}{2}$ 7 }	15	—	ditto	- ditto	- D. U. E.
Sweet, Timothy -	17 Mar. 1836	—	3	6	—	Gosfield	- Essex	- S. U. E.
Snider, William -	11 Feb. 1836	—	11	1	—	Nottawasaga	- Simcoe	- ditto.
Sharp, Huldah -	4 Dec. 1834	—	12	6	—	Enniskillen	- Kent	- D. U. E.
Simpson, Eunice -	27 Nov. 1834	—	21	9	—	ditto	- ditto	- ditto.
Switzer, Helen -	19 June 1832	—	1	7	—	Collingwood	- Simcoe	- ditto.
Simmons, Mary A. -	7 Feb. 1833	—	2	4	—	ditto	- ditto	- ditto.
Smith, Absalom -	19 Jan. 1820	May 28	E. $\frac{1}{2}$ 22	3	100	Melancthon	- ditto	- militia.
Shain, Henry -	27 Jan. 1819	—	w. $\frac{1}{2}$ 14	2	—	Chinquacousy	- York	- - patent fee and survey paid.
Sullivan, Charles -	28 Nov. 1835	—	w. $\frac{1}{2}$ 23	11	—	Huntley	- Carleton	- - located by Hon. P. Ro- binson.
Sudworth, Abraham	12 May 1836	—	- 2 town lots.	-	sq. lks. 101,700	Woodstock	- Oxford	- free.
Sills, Peter -	19 Jan. 1820	May 30	E. $\frac{1}{2}$ 15	7	100	Belmont	- Northumber- land.	- militia.
Sharp, Lawrence -	—	—	s. $\frac{1}{2}$ 13	9	—	Sombra	- Kent	- ditto.
Stevenson, Hugh -	31 Mar. 1836	—	N. $\frac{1}{2}$ 27	9	—	London	- Middlesex	- - patent fee and survey paid.
Smith, Angus -	4 Sep. 1834	—	18	7	200	Sombra	- Kent	- S. U. E.
Simmons, Timothy -	3 April 1834	—	16	1	—	Moore	- ditto	- ditto.
Smith, Randall -	27 Nov. 1834	—	37	12	—	Nottawasaga	- Simcoe	- ditto.
Shannon, Henry -	15 May 1835	—	{ w. $\frac{1}{2}$ 28 28, 28 }	6	—	Amaranthe	- ditto	- ditto.
Shaw, Dorothy -	5 Feb. 1831	—	16	13	—	Brooke	- Kent	- D. U. E.
Simpson, Aurelia -	4 Dec. 1834	—	20	8	—	Enniskillen	- ditto	- ditto.
Shea, Robert -	28 Nov. 1835	—	w. $\frac{1}{2}$ 15	11	100	Lanark	- Lanark	- - located by Hon. P. Ro- binson.
Sheehan, Timothy -	—	—	E. $\frac{1}{2}$ 16	3	—	Ramsay	- ditto	- ditto.
Sheehan, James -	—	—	E. $\frac{1}{2}$ 11	4	—	ditto	- ditto	- ditto.
Shandman, Michael -	5 Nov. 1835	—	E. $\frac{1}{2}$ 14	1	—	Yonge	- Leeds	- military emigrant.
Smith, William -	12 June 1832	—	E. $\frac{1}{2}$ 10	2	—	Brock	- York	- discharged seaman.
Sullivan, John -	28 Nov. 1835	—	E. $\frac{1}{2}$ 2	10	—	Goulburn	- Carleton	- - located by Hon. P. Ro- binson.
Snure, Elizabeth -	25 July 1833	—	34	9	200	Nottawasaga	- Simcoe	- D. U. E.
Servos, Rebecca -	4 Feb. 1836	—	49	12	—	ditto	- ditto	- ditto.
Servos, Mary -	—	—	48	12	—	ditto	- ditto	- ditto.
Stratton, John -	6 Oct. 1831	—	16	2	100	Vespra	- ditto	- discharged soldier.
Snider, Jacob -	13 Nov. 1818	31 May	{ Parts 6 & 7 }	14	200	Hungerford	- Hastings	- S. U. E.
Sencibaugh, Christian	28 Mar. 1835	—	25	11	—	Nottawasaga	- Simcoe	- ditto.
Sencibaugh, Sarah A.	—	—	26	11	—	ditto	- ditto	- D. U. E.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Sayward, James	28 Nov. 1835	1836: 31 May	E. $\frac{1}{2}$ 26	5	100	Pakenham	Carleton	-- located by Hon. P. Robinson.
Selca, Anthony	4 Feb. 1830	1 June	S. $\frac{1}{2}$ 31	3	—	Malahide	Middlesex	clergy reserve sale, 750
Still, Charles G.	—	—	N. $\frac{1}{2}$ 8	1	200	Adelaide	ditto	clergy reserve sale, 100
Saxton, Alexander	—	—	9	2	—	Bayham	ditto	clergy reserve sale, 200
Searle, George	6 Sept. 1832	—	part 31	2 and 6	100	Caledon	York	discharged soldier.
Smith, Archibald	4 Sept. 1834	—	19	7	200	Sombra	Kent	S. U. E.
Sencibaugh, Henry	28 Mar. 1835	—	31	8	—	Nottawasaga	Simcoe	ditto.
Stringer, Henry	12 May 1836	—	E.	—	—	Southwold	Middlesex	located by Col. Talbot.
Shannon, Robert	1 Dec. 1824	—	S. $\frac{1}{2}$ 7	4	100	Huntley	Carleton	-- patent fee and survey paid.
Syer, Henry	31 Dec. 1825	—	N. $\frac{1}{2}$ 8	6	—	Mariposa	Durham	ditto.
Staats, Peter	19 Jan. 1820	—	N. $\frac{1}{2}$ 15	1	—	Nottawasaga	Simcoe	militia.
Stodert, Arvin	—	—	S. $\frac{1}{2}$ 44	10	—	ditto	ditto	ditto.
Soper, Solomon	—	3 June	1 & 2	8	—	Plympton	Kent	ditto.
Stull, Julia A.	17 Nov. 1830	—	{w. $\frac{1}{2}$ 4 E. $\frac{1}{2}$ 14}	5 1	200	Erin	Halton	D. U. E.
Sheridan, Charles	4 May 1836	6 June	E. $\frac{1}{2}$ 17	9	100	Dummer	Northumberl.	Chelsea pensioner.
Seney, Robert	23 Dec. 1825	8 June	21	14	150	Cavan	Durham	reg ^{ns} 5 January 1819.
Springsteen, Robert	10 April 1834	—	2	12	200	Moore	Kent	S. U. E.
Swayze, Caleb	19 Jan. 1820	10 June	E. $\frac{1}{2}$ 13	4	100	Melancthon	Simcoe	militia.
Slack, John	—	—	E. $\frac{1}{2}$ 12	11	—	Lanark	Lanark	ditto.
Stimers, Isaac	13 June 1819	—	33	—	$\frac{1}{2}$	Belleville	Hastings	-- patent fee and survey paid.
Stewart, Benjamin	5 May 1819	—	w. $\frac{1}{2}$ 13	3	100	Toronto	York	ditto.
Sargeant, Philip	12 May 1836	—	E. $\frac{1}{2}$ 28	10	—	Otonabee	Northumberl.	-- located by Hon. P. Robinson.
Storings, Jacob	4 Feb. 1836	—	20	5	200	Plympton	Kent	S. U. E.
Sheehan, Michael	2 June 1833	11 June	w. $\frac{1}{2}$ 20	3	100	Marmora	Hastings	-- located by Hon. P. Robinson.
Sellick, Thomas	7 Aug. 1829	—	{S. $\frac{1}{2}$ 2 N. $\frac{1}{2}$ 4}	1 3	200	North Gower	Grenville	S. U. E.
Smith, Elizabeth	5 April 1826	—	part 44	10 and 11	—	Osgoode	Russell	D. U. E.
Snyder, Abigail	28 Sept. 1832	—	{23 part 27}	6 A.	—	Westmeath	Lanark	ditto.
Snyder, John	19 Jan. 1820	13 June	E. $\frac{1}{2}$ 22	5	100	Esquesing	Halton	militia.
Slincy, Edward	12 May 1836	—	S. $\frac{1}{2}$ 23	5	—	Emily	Durham	-- located by Hon. P. Robinson.
Sheehan, Dennis	—	—	w. $\frac{1}{2}$ 19	3	—	Asphodel	Northumberl.	ditto.
Stearns, James	31 Mar. 1836	—	6	—	$\frac{1}{2}$	Dundas-st.	Middlesex	-- patent fee and survey paid.
Seal, John	28 Sept. 1832	—	w. $\frac{1}{2}$ 6	6	100	Medonte	Simcoe	discharged soldier.
Schwartfager, Hen.	19 Jan. 1820	—	S. $\frac{1}{2}$ 9	9	—	Mara	ditto	militia.
Storing, Timothy	—	14 June	w. $\frac{1}{2}$ 19	10	—	Marmora	Hastings	ditto.
Simpson, Robert	8 Nov. 1831	—	N. $\frac{1}{2}$ 19	4	—	Douro	Northumberl.	discharged soldier.
Sutherland, Wm.	25 Aug. 1819	—	S. $\frac{1}{2}$ 5	5	—	W ^g willimbury.	Simcoe	-- patent fee and survey paid.
Stodars, James	3 Nov. 1819	—	N. $\frac{1}{2}$ 10	10	—	ditto	ditto	ditto.
Simmerman, Marg.	4 April 1833	—	12	9	200	Moore	Kent	D. U. E.
Sheets, David	2 May 1832	—	1	2	—	Westmeath	Lanark	S. U. E.
Smyth, John	7 Dec. 1830	—	1	11	—	Nottawasaga	Simcoe	Crown-land sale, 504.
Smyth, Samuel	9 June 1836	15 June	w. $\frac{1}{2}$ 18	1	100	Douro	Northumberl.	discharged soldier.
Sills, Peter	5 Sept. 1833	—	17	10	200	Harvey	ditto	S. U. E.
Sills, William	19 Dec. 1833	—	4	3	—	Enniskillen	Kent	ditto.
Smith, John	10 Aug. 1832	16 June	w. $\frac{1}{2}$ 2	4	100	Adelaide	Middlesex	discharged soldier.
Scott, Abraham	1 July 1819	—	E. $\frac{1}{2}$ 8	5	—	Chiniquacousy	York	-- patent fee and survey paid.
Smith, Samuel	2 May 1836	17 June	59	—	200	Talbot-road	Orford	ditto.
Snider, Jacob	2 Mar. 1825	—	w. $\frac{1}{2}$ 10	4	100	Adjala	Simcoe	ditto.
Silk, Michael	26 Aug. 1834	—	19	2	—	Vespra	ditto	discharged soldier.
Squires, Eliakim	19 Jan. 1820	18 June	31	8	200	Madoc	Hastings	discharged serjeant.
Simmerman, Wm.	11 April 1833	—	11	10	—	Moore	Kent	S. U. E.
Simmerman, John	8 Aug. 1821	—	7	9	—	ditto	ditto	ditto.
Singleton, Marg.	23 July 1833	—	35	7	—	Hungerford	Hastings	D. U. E.
Simmerman, Jer.	7 Feb. 1833	—	13	9	—	Moore	Kent	S. U. E.
Smith, Thomas	19 Jan. 1820	—	w. $\frac{1}{2}$ 29	4	100	Marmora	Hastings	militia.
Sutherland, George	17 Feb. 1825	20 June	25	—	1	Third-street	Cornwall	-- patent fee and survey paid.
Shaw, George	3 April 1822	—	{N. $\frac{1}{2}$ 18 S. $\frac{1}{2}$ 19}	2 3	400	Mariposa	Durham	reg ^{ns} 5 January 1819.
Smith, James	16 June 1836	—	$\frac{1}{2}$ 3	7	50	Hungerford	Hastings	free.
Scott, Amarilla	28 Feb. 1833	—	20, 21	10	200	Richmond	-- Lenox and Addington.	D. U. E.
Smyth, Marg. H.	28 Jan. 1834	—	{w. $\frac{1}{2}$ 14 E. $\frac{1}{2}$ 16}	11 12	—	Vespra	Simcoe	ditto.
Swayze, Jane	10 Feb. 1819	—	2	9	—	Erin	Halton	S. U. E.
Stephens, John	12 June 1832	—	w. $\frac{1}{2}$ 8	9	—	Medonte	Simcoe	discharged seaman.
Smith, John	16 June 1836	—	$\frac{1}{2}$ 3	7	50	Hungerford	Hastings	free.
Sullivan, Patrick	24 April 1835	21 June	10	6	200	Ennismore	Northumberl.	-- emigrant; located by Hon. P. Robinson.
Snell, William	20 June 1836	—	15	—	$\frac{1}{2}$	London	Middlesex	-- patent fee and survey paid.
Scholfield, Marg.	21 Dec. 1825	—	13	5	200	Collingwood	Simcoe	D. U. E.

SALE OF LANDS IN UPPER CANADA.

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NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836 :						
Sager, David -	19 Jan. 1819	21 June	{ 1. 8 s. 1/2 4 }	12	500	Collingwood	Simcoe	militia lieutenant.
Sharp, Gilbert -	—	—	5	7	200	ditto -	ditto -	militia serjeant.
Sharp, Jacob -	—	—	N. 1/2 2	8	100	ditto -	ditto -	ditto.
Sullivan, Patrick -	1 Sep. 1831	—	N. 1/2 12	6	—	Hungerford -	Hastings	discharged soldier.
Smith, Hugh -	1 Aug. 1833	—	E. 1/2 16	7	—	Vespra -	Simcoe	discharged corporal.
Seadon, George -	11 July 1833	—	W. 1/2 18	9	—	ditto -	ditto -	discharged soldier.
Sutherland, Donald	10 Aug. 1832	22 June	E. 1/2 22	7	—	Zorra -	Oxford	ditto.
Sutherland, Robert	3 July 1834	—	W. 1/2 32	3	—	ditto -	ditto -	ditto.
Smith, Matthew -	24 Oct. 1831	23 June	E. 1/2 7	4	—	Oro -	Simcoe	ditto.
Swackhammer, Jac.	19 Jan. 1820	24 June	E. 1/2 5	3	—	Erin -	Halton	militia.
Shaver, Henry -	—	—	N. 1/2 14	11	—	Mara -	Simcoe	ditto.
Sweeney, Patrick -	23 June 1836	—	S. 1/2 23	10	—	Smith -	Northumberl ^d	discharged soldier.
Scallon, Hugh -	Land-board, 1821.	25 June	1/4 17	7	50	Marmora -	Hastings	gratuitous.
Shaver, Nich. J. -	19 Jan. 1820	27 June	E. 1/2 10	1	100	Essa -	Simcoe	militia.
Smith, Thomas -	21 Dec. 1825	28 June	N. 1/2 1	11	—	Brock -	York	reg ⁿ 31 January 1834.
Sharp, Michael -	3 Mar. 1836	—	s. 1/2 9, 10.	11	200	Mara -	Simcoe	S. U. E.
Sharp, Philip -	—	—	s. 1/2 13, 14.	7	—	ditto -	ditto -	ditto.
Second, Daniel -	27 June 1836	—	A tract	-	75	Brantford -	Wentworth -	Indian land claimant.
Sims, Mark -	27 Aug. 1833	—	19	6	200	Warwick -	Kent	S. U. E.
Scott, John -	6 Dec. 1832	30 June	10	9	—	Madoc -	Hastings	ditto.
Smith, Sarah -	26 July 1820	—	16	10	—	Harvey -	Northumberl ^d	D. U. E.
Sanger, John -	27 June 1836	1 July	A tract	-	108	Canborough -	Haldimand -	Indian land claimant.
Sheets, Abraham -	3 Mar. 1836	—	12	11	200	Mara -	Simcoe	S. U. E.
Stallmayer, Sarah	28 Feb. 1833	—	1	11	—	Sunnidale -	ditto -	D. U. E.
Sherman, William	30 June 1836	—	18	Bathurst-st.	1/2	London	Middlesex	- - patent fee and survey paid.
Smith, Eleazar -	4 Sept. 1834	9 July	1	6	200	St. Vincent -	Simcoe	S. U. E.
Smith, Tyrus -	—	—	1	7	—	ditto -	ditto -	ditto.
Sherwood, Reuben	19 Jan. 1820	—	{ 27 27	1, 2 & 3	143	South Crosby } Burgess -	Leeds -	militia captain.
Scovell, Hiram -	19 July 1836	28 July	A tract	-	79	Brantford -	Wentworth -	Indian land claimant.
Sipes, Peter -	27 June 1833	—	Part 24 E. 1/2 17	9 8	200	Garrafraxa -	Halton	S. U. E.
Sills, Conrad -	18 May 1833	29 July	42	10	—	Nottawasaga	Simcoe	ditto.
Spencer, John -	17 Feb. 1816	—	34	11	—	ditto -	ditto -	ditto.
Sellick, Joseph -	28 Oct. 1833	—	13	11	—	ditto -	ditto -	ditto.
Sellick, Daily -	28 Feb. 1833	—	23	10	—	Collingwood	ditto -	ditto.
Stoneburner, John	26 Mar. 1817	—	13	6	—	Nottawasaga	ditto -	ditto.
Stoneburner, Jacob	20 May 1817	—	38	11	—	ditto -	ditto -	ditto.
Sly, Margaret -	28 July 1833	—	14	8	—	ditto -	ditto -	ditto.
Toole, James -	31 Dec. 1825	6 April	N. 1/2 6	1	100	Mariposa -	Durham	- - patent fee and survey paid.
Tuffs, James, as- signee of J. Mal- lory.	-95th claim, commission- ers' report, 1835.	7 April	w. 1/2 8	Front	—	Yonge -	Leeds	militia.
Thorner, John -	7 Dec. 1830	13 April	10	King-street	sq. lks. 43,660	Chatham -	Kent	Crown land sale, 10L.
Teeple, Lemuel -	2 Feb. 1832	14 April	14	1	200	Warwick -	ditto	S. U. E.
Tuttle, Susannah -	7 Aug. 1834	15 April	{ 14 12 }	6	—	Belmont -	Northumberl ^d	D. U. E.
Thompson, Ellen -	11 Feb. 1836	25 April	14	7	—	Medonte -	Simcoe	serjeant's widow.
Tipping, Jonathan	2 May 1833	29 April	w. 1/2 23	4	100	Cramahe -	Northumberl ^d	discharged soldier.
Treadwell, Chas. P.	8 Aug. 1833	12 May	A gore	-	900	- - Between Caledonia, Lon- gueil and Al- fred.	Prescott -	- - to make up a deficien- cy in the survey of the seignury of L'Orignal of 3,344 acres.
Taylor, Sarah -	17 May 1820	17 May	30	12	200	Enniskillen -	Kent	D. U. E.
Thompson, George	19 Jan. 1820	—	E. 1/2 5	4	100	Hinchinbrooke	Frontenac	militia.
Tincombe, Mary A.	28 Feb. 1835	—	E. 1/2 16	9	300	Fenelon -	Durham	} widow of a lieutenant.
			24, 25	10	—	Verulam -	Northumberl ^d	
			1/4 18, 19	10	—	Harvey -	ditto -	
			18, 19	12	650	—	—	
Tompkins, Nathan	19 Jan. 1820	25 May	E. 1/2 5	10	100	Moore -	Kent	militia.
Thomas, Ann -	2 Sept. 1830	—	26	4	200	Melancthon -	Simcoe	D. U. E.
Tinks, Devina -	28 Oct. 1835	—	29	12	—	Nottawasaga	ditto -	ditto.
Terry, Isaac -	19 Jan. 1820	28 May	w. 1/2 4	6	100	Warwick -	Kent	militia.
Thomson, Eliz. -	31 July 1817	—	14	5	200	Marmora -	Hastings	D. U. E.
Thair, Thompson -	2 Oct. 1834	—	28	1	—	Nottawasaga	Simcoe	discharged artificer.
Teskey, Joseph -	28 Nov. 1835	30 May	w. 1/2 4	10	100	Ramsay -	Lanark	- - located by Hon. P. Robinson.
Teskey (1), John -	—	—	w. 1/2 7	11	—	ditto -	ditto -	ditto.
Teskey (2), John -	—	—	E. 1/2 7	11	—	ditto -	ditto -	ditto.
Teskey, Robert -	—	—	w. 1/2 8	11	—	ditto -	ditto -	ditto.
Turner, David L. -	19 Jan. 1820	31 May	E. 1/2 30	5	—	Nottawasaga	Simcoe	militia.
Thompson, Thomas, devisee of his fa- ther.	- 4th claim, commission- ers' report, 1835.	—	64	4	170	Ameliasburgh	Prince Edward	- - patent fee and survey paid.
Thompson, Marg. -	1 May 1834	—	36	12	200	Nottawasaga	Simcoe	D. U. E.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Turner, John -	31 Mar. 1836	1836 : 31 May	N. $\frac{1}{2}$ 17	5	100	London	Middlesex	-- located by Mr. Richard Talbot.
Tupper & Heeney -	7 Dec. 1830	1 June	5	- Dalhousie-street.	sq. lks. 25,100	Brantford	Wentworth	Crown land sale, 10 L.
Tupper, John M. -	—	—	6	—	—	ditto	ditto	ditto.
Tipp, John -	4 Feb. 1830	—	E. $\frac{1}{2}$ 24	2	100	Markham	York	clergy reservesale, 87L. 10s.
Thomson, John -	28 Nov. 1835	—	E. $\frac{1}{2}$ 12	11	—	Ramsay	Lanark	-- located by Hon. P. Robinson.
Taylor, John -	26 Feb. 1828	3 June	16	4	200	Hungerford	Hastings	S. U. E.
Treadwell, Chas. P.	8 Aug. 1833	10 June	1.3,6,7 1, 2, 3 8	11	1,424	Ross	Lanark	{-- to make up a deficiency of 3,344 acres in the survey of the seignury of L'Orignal.
		—	4	2	820	Pembroke		
		—	3 & 4 4 & 5	3 4	—	—		
Tearning, John -	9 June 1836	13 June	w. $\frac{1}{2}$ 10	9	100	Medonte	Simcoe	discharged soldier.
Thompson, Stewart	26 Oct. 1825	15 June	7	1	200	Tosorontio	ditto	regulations, 31 Jan. 1824.
Tompkins, Nancy -	1 Mar. 1832	—	20	9	—	Marlborough	Grenville	D. U. E.
Thody, Thomas -	2 Aug. 1832	16 June	w. $\frac{1}{2}$ 10	2	100	Adelaide	Middlesex	discharged soldier.
Tupper, Mayhew -	19 Jan. 1820	18 June	E. $\frac{1}{2}$ 14	4	—	Madoc	Hastings	militia.
Triller, Charity -	7 Feb. 1833	—	E. $\frac{1}{2}$ 9	9	200	Moore	Kent	D. U. E.
Tibbodeaux, Peter	19 Jan. 1820	20 June	E. $\frac{1}{2}$ 3	1	100	Essa	Simcoe	militia.
Throop, Calvin -	—	21 June	S. $\frac{1}{2}$ 48	11	—	Nottawasaga	ditto	ditto.
Thompson, Thomas	15 Oct. 1819	23 June	E. $\frac{1}{2}$ 15	7	—	Esquesing	Halton	-- patent fee and survey paid.
Thompson, Wm., heir-at-law of his father.	- 10th claim, commission- ers' report, 1827.	24 June	{w. $\frac{1}{2}$ 6 {7 & 8 Part 7	5 6	640	Dorchester	Middlesex	ditto.
Tice, John -	28 Oct. 1833	—	N. $\frac{1}{2}$ 8	11	100	Seymour	Northumberl.	lieutenant on half-pay.
Thompson, Robert	20 Mar. 1822	29 June	$\frac{1}{4}$ 10	10	50	Erin	Halton	gratuitous.
Trudel, Rose A. -	19 Mar. 1836	30 June	{N. $\frac{1}{2}$ 6 {7 & 8	12	200	Mara	Simcoe	D. U. E.
Traxler, Louis -	26 Dec. 1834	9 July	30	7	—	Enniskillen	Kent	discharged artificer.
Titus, Ebenezer -	12 Jan. 1820	12 July	E. $\frac{1}{2}$ 5	10	100	Nissouri	Oxford	-- patent fee and survey paid.
Thompson, James -	2 June 1836	16 July	- the re- servat ⁿ front of N. $\frac{1}{2}$ 16 & S. $\frac{1}{2}$ 17.	8	4	Douro	Northumberl.	-- on condition of the ap- propriation of a sufficient road in lieu thereof.
Treadwell, Chas. P.	20 Jan. 1836	26 July	19	8	200	Ross	Lanark	- to complete the deficiency of 3,344 acres in the survey of the seignury of L'Orignal.
Tripp, Nathan -	4 Feb. 1830	—	Part 2	1	1	Hamilton	Northumberl.	clergy reserve sale, 5 L.
Unsworth, Abra. -	21 July 1831	13 Apr.	140, 141	3	200	Sandwich	Essex	discharged serjeant.
Ullman, Henry -	3 Dec. 1835	28 June	{s. $\frac{1}{2}$ 1 {11 & 15	12	—	Mara	Simcoe	S. U. E.
Vandresser, Amelia	27 Nov. 1834	2 Apr.	-- Parts 33 & 34.	1	—	Plantagenet	Prescott	D. U. E.
Vanalstine, Lamb.	19 Jan. 1820	6 Apr. 27 Apr.	Part 29 a tract	13 & 14	100 1,960	Brooke	Kent	militia.
Vansittart, Henry	20 Jan. 1836	—	{1,2,4,5 {6,7,8,9	-- Balsam	1,226	Bexley	Durham	{-- in lieu of certain pro- perty surrendered to the Crown for the church at Woodstock.
		—	{11,12,13 Part 14	Lake	503			
		—	Block E	—	522			
Vansittart, Henry	3 July 1834	29 Apr.	F	—	136	Bexley	Durham	{as a rear-admiral.
			Part 20	1	50			
VanDeVoort, Sam., assignee of P. Hartmann.	- 74th claim, commission- ers' report, 1831.	28 May	10	2	200	Blandford	Oxford	privileged as U. E.
			w. $\frac{1}{4}$ 24	3	100	Oxford East	ditto	
Van Allen, Gilbert	6 Dec. 1832	—	17	3	200	Sydney	Hastings	
Van Allen, Henry	18 Mar. 1818	—	20	7	—	Warwick	Kent	S. U. E.
Van Allen, Isaac -	2 May 1833	—	5	5	—	Plympton	ditto	ditto.
Vanalstine, Barnard	9 Nov. 1835	—	24	13	—	Warwick	ditto	ditto.
Vanalstine, Jacob -	11 Mar. 1819	—	8	2	—	Sombra	ditto	ditto.
Vanalstine, Hannah	18 May 1835	—	10	10	—	Collingwood	Simcoe	ditto.
Vanduzen, Rachael	24 Mar. 1835	31 May	3	9	—	Richmond	-- Lenox and Addington.	ditto.
Vanduzen, Charlotte	—	—	4	8	—	Collingwood	Simcoe	ditto.
Ven Allen, John -	19 Jan. 1820	1 June	s. $\frac{1}{2}$ 29	10	100	ditto	ditto	ditto.
Vanderlip, William	4 Sep. 1832	20 June	14	5	200	Nottawasaga	ditto	militia.
Vanarnam, William	19 Jan. 1820	21 June	N. $\frac{1}{2}$ 23	5	100	Sarnia	Kent	S. U. E.
Vint, Benjamin -	1 Aug. 1833	24 June	E. $\frac{1}{2}$ 15	7	—	Nottawasaga	Simcoe	militia.
Van Every, Andw.	27 June 1836	27 July	a tract	—	327	Vespra	ditto	discharged soldier.
Weart, Dorothy -	5 Nov. 1818	2 Apr.	12	14	200	on Grand River	Haldimand	Indian land claimant.
Whitney, Hannah	2 May 1833	—	23	4	—	Harvey	Northumberl.	D. U. E.
Wait, John J. -	19 Jan. 1820	—	w. $\frac{1}{2}$ 13	3	100	Verulan	Durham	ditto.
Wright, Chas. W. -	26 Oct. 1825	4 Apr.	9	3	200	Harvey	Northumberl.	militia.
Walker, William -	11 Feb. 1836	6 Apr.	w. $\frac{1}{2}$ 10	1	100	Sarnia	Kent	S. U. E.
						Eldon	Durham	discharged soldier.

SALE OF LANDS IN UPPER CANADA.

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NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
		1836:						
Willson, Hill -	5 Jan. 1832	6 April	w. $\frac{1}{2}$ 4	6	100	Medonte -	Simcoe -	discharged pensioner.
Williams, William -	15 Mar. 1832	—	w. $\frac{1}{2}$ 18	6	—	Huntley -	Carleton -	discharged soldier.
Walters, Paulina -	8 June 1798	7 April	20	3	200	Alnwick -	Northumberl.	reg ^d 9 July 1796.
Wager, Anna -	27 Sept. 1833	—	23	6	—	Collingwood	Simcoe -	D. U. E.
Wickware, Jonathan	19 Jan. 1820	9 April	s. $\frac{1}{2}$ 21	7	100	Gosfield -	Essex -	militia.
Wells, Martha -	14 Mar. 1826	—	{ s. $\frac{1}{2}$ 40	Baldoon-st.	—	Dover -	Kent -	} D. U. E.
White, William, de-	- 15th claim,	12 April	{ s. $\frac{1}{2}$ 28	6	—	Clarke -	Durham -	
visée of his father.	commission-	ers' report,	E. $\frac{1}{2}$ 3	3	—	Woodhouse -	Norfolk -	reg ^d 9 July 1796.
	1834.							
Wickwire, James -	20 May 1817	13 April	20	7	200	Gosfield -	Essex -	S. U. E.
White, David -	4 Feb. 1836	14 April	220	Talbot-road	—	Mersea -	ditto -	located by Col. Talbot.
Wilcocks, Caleb -	17 Mar. 1836	15 April	N. $\frac{1}{2}$ 6	1	100	Mosa -	Middlesex -	ditto.
Wemp, Margaret -	16 June 1819	—	25	8	200	Marmora -	Hastings -	D. U. E.
Waldroff, Martin -	19 Jan. 1820	—	s. $\frac{1}{2}$ 8	11	100	Howard -	Kent -	militia.
White, Samuel -	4 Feb. 1836	—	219	Talbot-road	200	Mersea -	Essex -	located by Col. Talbot.
Woodley, Matthias	10 Oct. 1834	—	Parts 144,	3	135	Sandwich -	ditto -	S. U. E.
			145, 146					
Wilson, William -	7 Jan. 1836	18 April	N. $\frac{1}{2}$ 29	9	100	London -	Middlesex -	located by Col. Talbot.
Waddle, Robert -	4 Feb. 1830	—	$\frac{1}{4}$ 9	3	150	Woodhouse -	Norfolk -	clergy reserve sale, 1124, 10s.
Walsh, Aquila -	19 Jan. 1820	19 April	A	12	200	Sombra -	Kent -	militia (serjeant).
Wigle, Isabella -	30 Jan. 1808	18 May	Part E	2	180	Gosfield -	Essex -	D. U. E.
Wright, Thomas -	27 June 1833	—	32	11	200	Hungerford -	Hastings -	S. U. E.
Willson, Hiram -	—	23 May	{ w. $\frac{1}{2}$ 34	Front	—	Plympton -	Kent -	ditto.
Wallison, Margaret	24 Mar. 1835	24 May	{ w. $\frac{1}{2}$ 12	5	—	Enniskillen -	ditto -	D. U. E.
Wright, Mark -	24 Oct. 1831	—	9	6	—	Tarbolton -	Carleton -	S. U. E.
Weveley, Margaret	28 Oct. 1835	25 May	11	2	—	Nottawasaga	Simcoe -	D. U. E.
Wood, Huldah -	13 June 1818	—	28	11	—	ditto -	ditto -	ditto.
Way, Benjamin -	19 Jan. 1820	27 May	{ 29, 30	5	500	Hungerford -	Hastings -	militia ensign.
Wilson, Joel -	3 April 1834	—	{ s. w. $\frac{1}{2}$ 32	11	200	Moore -	Kent -	S. U. E.
Watson, Susannah	2 Oct. 1834	—	{ E. $\frac{1}{2}$ 10	5	—	Belmont -	Northumberl.	D. U. E.
Williams, Elizabeth	5 Feb. 1835	—	{ w. $\frac{1}{2}$ 23	—	—	Harvey -	ditto -	ditto.
Weir, Hannah -	4 Feb. 1830	—	{ 7	1	—	Erin -	Halton -	ditto.
Willock, Francis -	12 July 1830	—	{ $\frac{1}{4}$ 32	1	—	Ops -	Durham -	discharged serjeant-major.
Wright, George -	19 Jan. 1820	28 May	{ Part 31	2	100	Fenelon -	ditto -	militia.
Warner, Stephen -	—	—	24	3	200	Sombra -	Kent -	ditto.
Ward, Abel R. -	—	—	w. $\frac{1}{2}$ 17	1	100	Pembroke -	Lanark -	ditto.
Wager, George -	—	—	s. $\frac{1}{2}$ 17	5	—	Enniskillen -	Kent -	ditto.
Wortman, Daniel -	4 Dec. 1834	—	29	Front	—	Collingwood	Simcoe -	S. U. E.
Welch, John -	19 Jan. 1820	—	E. $\frac{1}{2}$ 18	5	—	Mono -	ditto -	militia.
Watson, James -	—	—	7	8	200	Mulmur -	ditto -	ditto.
Wilson, William -	- - Land-	—	E. $\frac{1}{2}$ 30	5	100	Smith -	Northumberl.	- - patent fee and survey
	board, 1821.	—	E. $\frac{1}{2}$ 27	8	—			paid.
Wannamaker, And-	12 June 1832	—	s. $\frac{1}{2}$ 30	13	—	Ameliasburg	Prince Edward	reg ^d prior to July 1796.
Andrew & Hermanus.	—	—	Part 78	Front	—			
Welbank, David -	28 Oct. 1835	—	30	7	200	Sombra -	Kent -	S. U. E.
Weart, Daniel -	—	—	6	1	—	Collingwood	Simcoe -	ditto.
Waggoner, Solomon	5 Nov. 1818	—	41	12	—	Nottawasaga	ditto -	ditto.
Woodcock, David	4 July 1833	—	22	11	—	Plympton -	Kent -	ditto.
Wert, George -	—	—	24	11	—	ditto -	ditto -	ditto.
Wood, Henrietta -	27 Feb. 1818	—	7	1	—	St. Vincent -	Simcoe -	D. U. E.
Weart, Rachael -	17 Jan. 1819	—	12	11	—	Enniskillen -	Kent -	ditto.
Williams, Margaret	3 May 1832	—	21	8	—	Plympton -	ditto -	ditto.
Weir, Hannah -	4 Feb. 1830	—	w. $\frac{1}{2}$ 15	2	100	Nelson -	Halton -	ditto.
Willock, Francis -	12 July 1830	—	w. $\frac{1}{2}$ 3	3	—	Bathurst -	Lanark -	discharged serjeant-major.
Wilkinson, Thomas	15 Mar. 1832	—	w. $\frac{1}{2}$ 11	2	—	Essa -	Simcoe -	discharged soldier.
Walton, Bogart -	6 Nov. 1834	—	30	3	200	Nottawasaga	ditto -	discharged artificer.
White, William -	28 Nov. 1835	30 May	w. $\frac{1}{2}$ 20	9	100	Huntley -	Carleton	- - located by Hon. P. Robinson.
Welch, William -	—	—	E. $\frac{1}{2}$ 20	11	—	ditto -	ditto -	ditto.
White, James -	—	—	E. $\frac{1}{2}$ 17	10	—	ditto -	ditto -	ditto.
White, John -	—	—	E. $\frac{1}{2}$ 3	11	—	Goulburn -	ditto -	ditto.
White, Cornelius -	—	31 May	w. $\frac{1}{2}$ 6	11	—	ditto -	ditto -	ditto.
Woodcock, Paul -	5 April 1832	1 June	8	2	200	Flos -	Simcoe -	S. U. E.
Woolcutt, Roger -	19 Jan. 1820	—	19	11	—	Enniskillen -	Kent -	militia lieutenant.
Walker, John -	—	—	{ 26, w. $\frac{1}{2}$ 27	12	500	Nottawasaga	Simcoe -	ditto.
Winter, Frederick	—	10 June	N. $\frac{1}{2}$ 31	4	100	Mulmur -	ditto -	ditto.
Whitley, Samuel -	22 July 1824	—	w. $\frac{1}{2}$ 16	4	—	Belmont -	Northumberl.	S. U. E.
Wall, William -	2 June 1836	—	11	11	200	Marmora -	Hastings -	- - located by Hon. P. Robinson.
Winn, Patrick -	3 Feb. 1834	—	E. $\frac{1}{2}$ 4	7	—	Elmsley -	Leeds -	discharged soldier.
Wiltse, Joseph -	19 June 1832	11 June	18	7	200	Westmeath -	Lanark -	S. U. E.
Will, George -	19 Jan. 1820	13 June	w. $\frac{1}{2}$ 20	3	100	Esquesing -	Halton -	militia.
Warner, Silas -	14 April 1830	—	w. $\frac{1}{2}$ 20	7	50	London -	Middlesex -	free.
Whelan, John -	9 June 1836	—	w. $\frac{1}{2}$ 7	12	100	Medonte -	Simcoe -	discharged soldier.
Wallace, James -	3 Nov. 1819	14 June	s. $\frac{1}{2}$ 14	6	—	Wt. Gwillimbury	ditto -	- - patent fee and survey
Weaver, Margaret	27 June 1833	—	10	2	200	Moore -	Kent -	paid.
								D. U. E.

(continued)

ORDERS IN COUNCIL RELATING TO THE

NAME of GRANTEE.	Date of the Order in Council.	Date of Patent.	EXTENT AND SITUATION OF GRANT.					REMARKS.
			Lot.	Con.	Acres.	Township.	County.	
Warren, Peregrine	4 May 1836	14 June	1836: 38 39 N. $\frac{1}{2}$ 23 S. $\frac{1}{2}$ 17 24 24 W. $\frac{1}{2}$ 20	8 7 & 9 10 5 Third-st. - Fourth-st. - 5	700 100 1 1 100	Nottawasaga Dummer Cornwall ditto Richmond	Simcoe	-- late captain 66th regiment. discharged gunner. Crown land sale, 10 l. ditto. clergy reserve sale, 75 l.
Witherup, John -	6 Sep. 1832	—	N. $\frac{1}{2}$ 21	4	—	Ops -	Durham	militia.
Walsh, Aaron -	7 Dec. 1830	—	N. $\frac{1}{2}$ 1	15	—	Mariposa -	ditto	-- patent fee and survey paid.
Wade, William -	—	—	E. $\frac{1}{2}$ 1	7	—	Medonte -	Simcoe	discharged soldier.
Wilkinson, William	4 Feb. 1830	—	W. $\frac{1}{2}$ 7	4	—	Trafalgar -	Halton	-- regulations, 1 January 1820.
Williams, Benjamin	19 Jan. 1820	15 June	N. $\frac{1}{2}$ 6	11	—	Howard -	Kent	located by Col. Talbot.
Winter, Paddick -	24 Dec. 1825	—	N. $\frac{1}{2}$ 3	3	200	Warwick -	ditto	D. U. E.
Walker, George -	9 June 1836	—	—	4	—	ditto -	ditto	ditto.
Walbrooke, Robert	6 Feb. 1822	17 June	—	1	—	Melanthron -	Simcoe	S. U. E.
Wood, William W.	31 Mar. 1836	—	N. $\frac{1}{2}$ 10	9	100	- West Gwilmubury.	ditto	-- patent fee and survey paid.
Wait, Gracy -	24 Apr. 1835	18 June	S. $\frac{1}{2}$ 4	2	—	Collingwood	ditto	militia.
Weegar, Nancy -	13 Nov. 1818	—	—	2	200	ditto -	ditto	S. U. E.
Wright, Daniel -	7 June 1826	—	—	6	—	ditto -	Simcoe	ditto.
White, William	16 June 1819	20 June	—	7	$\frac{1}{2}$	London -	Middlesex	-- patent fee and survey paid.
Winterbottom, Sam.	19 Jan. 1820	21 June	—	1	200	Collingwood	Simcoe	S. U. E.
Wintermute, Abr. -	4 July 1833	—	—	11	—	ditto -	ditto	ditto.
Wintermute, Abr. -	4 July 1833	21 June	—	5	—	ditto -	ditto	discharged artificer.
Williams, Christopher.	20 June 1836	—	—	6	100	ditto -	ditto	discharged soldier.
Wintemute, Alex.	20 Oct. 1832	—	—	3	200	Marmora -	Hastings	D. U. E.
Wees, William -	3 Mar. 1836	—	—	9	100	Richmond -	-- Lenox and Addington.	discharged soldier.
Wilks, Charles H.	6 Nov. 1834	—	—	13	100	Innisfil -	Simcoe	-- patent fee and survey paid.
Watt, William -	25 July 1833	23 June	E. $\frac{1}{2}$ 11	4	—	ditto -	ditto	ditto.
Wood, Christopher	27 Nov. 1834	24 June	—	10	—	ditto -	ditto	discharged soldier.
Walden, Thomas -	9 Mar. 1830	—	W. $\frac{1}{2}$ 13	9	100	Port Credit -	York	Crown land sale, 27 l.
Wilson, John -	26 Oct. 1825	25 June	S. $\frac{1}{2}$ 1	6	—	Brantford -	Wentworth	Crown land sale, 50 l.
Wright, Arthur -	- - Land Board 1821.	—	E. $\frac{1}{2}$ 1	10	50	ditto -	ditto	ditto.
Wright, George -	—	27 June	$\frac{1}{2}$ 1	10	—	ditto -	ditto	ditto.
Walton, George -	7 Dec. 1830	—	1 & 2	Bay-street	sq. lks. 23,675.	Port Credit -	York	Crown land sale, 27 l.
Winniett, James -	—	—	- Parts 28,29,30.	3	acres, 40.	Brantford -	Wentworth	Crown land sale, 50 l.
Willson, Matthias	—	—	- 2 town lots.	-	sq. lks. 8,375.	ditto -	ditto	Crown land sale, 5 l.
Wilson, Benjamin	—	—	- 1 town lot.	-	sq. lks. 3,835.	ditto -	ditto	Crown land sale, 3 l.
Whaley, William -	22 Apr. 1819	29 June	W. $\frac{1}{2}$ 15	5	100	Toronto -	York	-- regulations, 5 January 1819.
Whelan, Fenton -	27 June 1836	—	E. $\frac{1}{2}$ 14	10	—	Dummer -	-- Northumberland.	discharged soldier.
Waggoner, Nancy	17 Mar. 1836	1 July	{ N. $\frac{1}{2}$ 13 S. $\frac{1}{2}$ 13	12 13	200	Mara -	Simcoe	D. U. E.
Wilson, Andrew -	19 Jan. 1820	2 July	S. $\frac{1}{2}$ B.	9	100	Sombra -	Kent	militia.
Williams, Joseph -	28 June 1832	7 July	W. $\frac{1}{2}$ 5	7	—	Medonte -	Simcoe	discharged soldier.
Weagant, Cath. -	19 Dec. 1833	26 July	7	5	200	Collingwood	ditto	D. U. E.
Waters, Charles -	13 Oct. 1825	—	16	9	—	Cumberland -	Russell	-- patent fee and survey paid.
White, John -	5 Sep. 1833	27 July	16	9	—	Collingwood	Simcoe	S. U. E.
Williams, Thomas	6 Nov. 1829	28 July	16	5	—	Sarnia -	Kent	ditto.
Wright, Elizabeth	7 Mar. 1833	29 July	40	11	—	Nottawasaga	Simcoe	D. U. E.
Yager, Jacob -	19 Jan. 1820	7 Apr.	W. $\frac{1}{2}$ 9	1	100	Dawn -	Kent	militia.
Young, Jane	13 June 1818	25 May	8	7	200	Belmont -	-- Northumberland.	D. U. E.
Young, George -	19 Aug. 1833	28 May	23	4	—	Warwick -	Kent	S. U. E.
Young, Joseph	9 Aug. 1820	—	6	11	—	Moore -	ditto	ditto.
Young, William	3 Jan. 1827	—	21	11	—	Enniskillen -	ditto	ditto.
Young, Hiram	19 Jan. 1820	31 May	N. $\frac{1}{2}$ 44	11	100	Nottawasaga	Simcoe	militia.
Young, John	7 Dec. 1830	1 June	- 2 town lots.	-	sq. lks. 47,332.	Brantford -	Wentworth	Crown land sale, 20 l. 10 s.
Young, William	4 Feb. 1836	—	E. $\frac{1}{2}$ 1	11	100	Beckwith -	Lanark	military emigrant.
Young, Daniel	5 Sep. 1833	10 June	11	4	200	St. Vincent -	Simcoe	S. U. E.
Young, John	2 Aug. 1832	17 June	W. $\frac{1}{2}$ 4	3	100	Adelaide -	Middlesex	discharged soldier.
Young, John	13 June 1836	20 June	N. $\frac{1}{2}$ 26	12	—	Smith -	Northumberl.	-- located by Hon. P. Robinson.
Young, Samuel	—	—	S. $\frac{1}{2}$ 26	12	—	ditto -	ditto	ditto.
Young, Stephen	23 June 1836	24 June	28	10	200	Hungerford -	Hastings	S. U. E.

1,879 Patents.

Provincial Secretary and Registrar's Office, }
8 December 1833.

D. Cameron, Secretary and Registrar.

No. 3.—RETURN OF THE SURVEYOR-GENERAL.

ABSTRACT of Descriptions for PATENTS issued between 1st April and 1st August 1836.

DISTRICT and COUNTY.	U. E. L. and Militia Grants.		By Purchase.		Allowed under Heir and Devisee Commission.		Naval and Military.		Settlers' and other Grants.		Total to Males.	Total to Females.	Canada Company.	General Total.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.				
EASTERN:														
Dundas - - -	1	-	-	-	1	-	-	-	-	-	2	-	-	2
Glengary - - -	-	-	-	-	1	-	1	-	-	-	2	-	-	2
Stormont - - -	-	-	7	-	3	1	-	-	4	-	14	1	1	16
OTTAWA:														
Prescott - - -	-	-	-	-	1	-	-	-	3	-	4	-	3	7
Russell - - -	5	6	-	-	-	-	1	-	3	-	9	6	5	20
JOHNSTOWN:														
Grenville - - -	1	3	2	-	1	-	-	-	1	-	5	3	-	8
Leeds - - -	3	-	2	-	1	-	3	-	3	-	12	-	4	16
BATHURST:														
Carlton - - -	11	-	2	-	-	-	3	-	4	-	20	-	2	22
Lanark - - -	17	12	5	-	-	-	3	-	12	-	37	12	2	51
PRINCE EDWARD:														
Prince Edward - -	-	-	1	-	-	1	-	-	-	-	1	1	-	2
MIDLAND:														
Frontenac - - -	3	-	-	-	3	-	-	-	-	-	6	-	-	6
Hastings - - -	42	8	1	-	3	-	11	-	17	-	74	8	-	82
Lenox & Addington	4	2	3	-	3	-	3	-	-	-	13	2	1	16
NEWCASTLE:														
Durham - - -	10	-	3	-	-	-	24	1	21	-	58	1	3	62
Northumberland - -	25	14	5	-	2	-	32	3	53	-	117	17	5	139
HOME:														
City of Toronto - -	-	-	1	-	-	-	-	-	-	-	1	-	-	1
York, 2d Riding - -	2	-	13	-	3	-	16	-	23	-	57	-	-	57
— 3d — - -	1	-	2	-	-	-	-	-	-	-	3	-	1	4
— 4th — - -	1	2	3	-	-	-	6	1	3	-	13	3	3	19
Simcoe - - -	172	57	8	-	2	-	106	5	32	-	320	62	2	384
GORE:														
Hatton - - -	5	3	1	-	-	-	6	-	25	-	37	3	4	44
Wentworth - - -	-	-	13	-	-	-	-	-	21	-	34	-	-	34
NIAGARA:														
Haldimand - - -	-	-	5	-	-	-	-	-	16	-	21	-	-	21
Lincoln - - -	-	-	-	-	-	-	-	-	1	-	1	-	-	1
LONDON:														
Huron - - -	-	-	-	-	-	-	-	-	-	-	-	-	15	15
Middlesex - - -	9	2	2	-	1	-	52	2	61	-	125	4	4	133
Oxford - - -	3	2	3	-	-	-	8	-	7	-	21	2	6	29
Norfolk - - -	-	-	1	-	1	-	-	-	1	-	3	-	4	7
WESTERN:														
Essex - - -	38	8	3	-	-	-	3	-	7	-	51	8	-	59
Kent - - -	169	76	5	-	-	-	10	-	12	-	196	76	5	277
TOTAL - - -	522	195	91	—	26	2	288	12	330	—	1,257	209	70	1,536

EXPLANATORY REMARKS.

The dates of the applications or petitions for the lands referred to in this Return, can in few instances be afforded by this department; the dates of the original orders or authorities are therefore inserted in lieu.

The locations by Colonel Talbot and by the Hon. Peter Robinson were generally made some years ago; the Orders in Council quoted in those cases are special orders directing the patents to issue, the grantees having fulfilled the conditions. This remark also applies to some cases of discharged soldiers, located by agents in 1832 and 1833.

All Patents are free of fees, except where otherwise specified.

The sales of the Crown and clergy lands, with the conditions annexed to those sales, are under the superintendence of the Commissioner of Crown Lands.

J. W. M.

3.--RETURN of Descriptions for GRANTS of LAND issued between 1st April and 1st August 1836, Province of Upper Canada.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
EASTERN:	Dundas -	Henry Schewidigger -	{ Claim allowed } { under commission, } July 1828 - - -	100	Claim allowed under com., July 1828.		- - -	6 Apr. 1836	-	Pat. fee paid.
		John Link -	M. C. - - -	200	{ Special O. C., 7 Aug. } { 1834 - - - } an old date.		{ Reside on grant } { three years - - }	15 - -	-	
	Glengarry -	Alex. McLeod -	Discharged soldier	100	O. C., 9 April 1831 -	settled on in 1824	- - -	20 - -	-	Pat. fee paid.
		Neil McDonald -	- - -	200	Claim allowed under com., July 1824		- - -			
		David Sheets -	- - -	100	ditto - - -	1821.	- - -			
		Arch. McDonell -	- - -	50	ditto - - -	1834.	- - -			
	Stormont -	Canada Company -	- - -	200	O. C., 4 Feb. 1836 -		- - -	5 May -		
		John Papps, sen. -	- - -	200	Claim allowed under com., July 1827		- - -	5 Apr. -		
		Peter Carpenter -	- - -	1	{ Cert. C.C.L., 27 Mar. } { 1836 - - - }		- - -		10 - -	
	Town of Corb-wall.	T.B. Anderson & another	Crown land sale	1	ditto, 13 Feb. 1836		- - -	14 - -	10 - -	
		Hugh McCollum -	ditto - - -	1	ditto, 10 June 1836		- - -	10 Jun. -	10 10 -	
		William Wade -	ditto - - -	1	ditto - - -		- - -	- - -	10 10 -	
		Aaron Walsh -	ditto - - -	1	ditto - - -		- - -	- - -	10 - -	
		William Hassell -	ditto - - -	1	ditto, 2 Mar. 1836		- - -	11 - -	10 - -	
OTTAWA:		Alex. McLean -	ditto - - -	1	ditto, 16 June 1836		- - -	16 - -	11 - -	{ Pat. fee and } { survey paid. }
		George Anderson -	{ Settler regulations, } { 6 July 1804 - - }	1	O. C., 2 Feb. 1819 -		{ Settlem't duty and } { fees - - - }	10 - -	-	
		Paul Melotte, jun. -	ditto - - -	1	- 17 Feb. 1825 -		- ditto - - -	15 - -	-	
		John McDonald -	ditto - - -	1	- 19 Jan. - - -		- ditto. - - -	- - -	-	
		George Sutherland -	ditto - - -	1	- 17 Feb. - - -		- ditto - - -	18 - -	-	
		Nancy McGillis -	- - -	1	Claim allowed under com., July 1834		- - -	29 July -	-	
		Ewen McMasters -	{ Settler regulations, } { 6 July 1804 - - }	100	O. C., 6 Feb. 1823 -		{ Settlem't duty and } { fees - - - }	21 Jun. -	-	{ Pat. fee and } { survey paid. }
	Caledonia -	Canada Company -	- - -	100	- 4 Feb. 1836 -		- - -	5 May -	-	
	Hawkesbury, E.	John McCrank -	{ Settler regulations, } { 6 July 1804 - - }	200	{ Gen. O. C., 13 Mar. } { 1819 - - - } By Ld. Bd., 6 Oct. 1825.		{ Settlem't duty and } { fees - - - }	5 Apr. -	-	Pat. fee paid.
	Plantagenet -	Moses Ryan -	ditto - - -	100	ditto - - -	26 Jan. 1821	- - -	- - -	-	ditto.
		Arthur Burton -	- - -	100	Claim allowed under com., July 1834		- - -	15 Apr. -	-	
		Canada Company -	- - -	100	O. C., 4 Feb. 1836 -		- - -	5 May -	-	
		Ditto - - -	- - -	100	ditto. - - -		- - -			
	Clarence -	Ditto - - -	- - -	100	O. C., 4 Feb. 1836 -		- - -	5 May -	-	
	Cumberland -	Ditto - - -	- - -	260	- - - ditto - - -		- - -	ditto.	-	
		James McNally -	{ Settler regulations, } { 6 July 1804 - - }	200	{ Gen. O. C., 13 Mar. } { 1819. - - - }	{ By Land Board, } { previous to 31 } { Dec. 1825 }	{ Settlem't duty and } { fees - - - }	25 Jun. -	-	{ Pat. fee and } { survey paid. }

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
JOHNSTOWN— <i>continued.</i> Leeds— <i>contd.</i>	Lansdown	Robert Mitchell	C. R. sale	100	{ Cert. C. C. L., 2 March 1836. Cert. A. G. M., 21 February 1821 }	-	-	1836 : 27 May -	£. s. d. 37 10 -	
		Jonathan Mills Church	Militia	ditto		15 Oct. 1823	-	30 -		
	Leeds	Joseph Laferty	Dis. serjeant	200	O. C. 5 Sept. 1832	22 Oct. 1833	Res. on grant 3 years	ditto.		
		Thomas Darnly	{ Sett. regs., 1 January 1820.	50	- 13 March 1819	7 July 1823	Sett. duty	ditto.		
		Robert Rorison	S. U. E.	200	- 27 Jan. 1819	5 Aug. 1826	-	16 June		
	Yonge	James Tuffs	Dis. soldier	62	Claim allowed under	com. July 1835	-	7 April		
		Joseph Kendrick	{ Emig. sett. loc. by Qr. Mast. G. Dep. }	50	O. C. 10 April 1834	26 Oct. 1835	Res. on grant 3 years	27 May		
		Michael Steadman		100	- 5 Nov. 1835	prior to 1825	Sett. duty	28 -		
	Fitzroy	Robert Shirreff	{ Emig. settler regs. 6 July 1804.	70	- 31 July 1823	in 1836	To complete his grant	2 April		
		Simon Fraser, sen.	Militia	100	{ Cert. A. G. M., 21 June 1820.	28 Aug. 1834	-	21 -		
BATHURST: Carleton		William Barton	ditto	ditto	ditto 18 March 1836	19 Mar. 1836	-	16 June		
		Silas Hamblin	ditto	ditto	ditto	ditto	-	ditto.		
		William Bullis	ditto	ditto	ditto	ditto	-	ditto.		
		John Baker, jun.	ditto	ditto	ditto 21 Feb. 1831	2 June 1836	-	ditto.		
		Henry Fraser	S. U. E.	200	O. C. 9 Jan. 1822	12 April 1822	-	17 June		
	Goulburn	Jacob Morvison	Militia	100	{ Cert. A. G. M., 26 January 1836.	12 Mar. 1836	-	13 April		
		John Hart	S. U. E.	100	O. C 18 May 1833	18 Sept. 1834	-	9 -		
		Nathanael Osborne	Militia	100	{ Cert. A. G. M. filed 15 February 1836.	12 Mar. 1836	-	13 -		
	Huntley	John Hart	S. U. E.	100	O. C. 18 May 1833	18 Sept. 1834	-	9 -		
		Robert Shannon	{ Sett. regs 31 January 1824.	100	- 1 Dec. 1824	12 May 1832	Sett. duty and fees	20 -		
Lanark		John McDermid	Dis. soldier	100	- 28 Sept. 1832	8 Oct. 1832	Res. on grant 3 years	10 June		
		John Barry	ditto	100	- 7 Mar. 1833	27 Dec. 1833	ditto	ditto.		
		Can. Co.	ditto	100	- 4 Feb. 1836	-	-	5 May		
		Henry Adam Shaver	S. U. E.	200	- 6 Dec. 1832	16 Jan. 1833	-	6 April		
	Horton	Robert King	{ Sett. loc. by Qr. Mast. Gen. Dep. }	100	- 23 May 1836	previous to 1825	Sett. duty	27 May		
										Pat. fee and survey paid.

3.—Descriptions for Grants of Land, Upper Canada—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
BATHURST— continued. Lanark—contd.	Beckwith—contd.	William Young	{ Sett. loc. by gr.- } { mast. gen. dep. - }	100	O. C., 4 Feb. 1836	prior to 1825 -	Sett. duty -	1836: 1 June	f. s. d.	
		John Nicholl	ditto -	100	- ditto -	ditto -	ditto.			
		George Cooks	Militia	100	{ Cert. A. G. M., 8 May 1821. }	24 July 1834 -	-	17 -		
		Isaac Cole	ditto -	100	Ditto - 27 Sept. 1820	18 Feb. 1835 -	-	10 -		
		Isaac Cole	S. U. E.	200	O. C., 28 Oct. 1834	ditto.	-			
		John Slack	Militia	100	{ Cert. A. G. M., May 1821. }	3 July 1828 -	-	8 -		
		Can. Co. -	-	100	O. C., 4 Feb. 1836	-	-	5 May		
		Robert Redman	ditto -	100	{ Cert. A. G. M., 23 December 1833. }	18 Feb. 1835 -	-	7 April		
		Robert Mills	Dis. soldier -	100	Sp. O. C., 28 Apr. 1836	-	Res. on grant 3 years	8 June		
		Gerard Neagle	Emig. settler	100	O. C., 28 Nov. 1825	{ Loc. Hon. P. R. } prior to 1828. }	Sett. duty -	9 -		
	Sherbrooke, S. Hungerford -	Can. Co.	-	100	- 4 Feb. 1836	-	-	5 May		
		Hugh McGowen	{ Sett. loc. by gr.- } { mast. gen. dep. - }	100	- 18 Feb. -	prior to 1825 -	Settlement duty -	16 June		
		Jacob Snider	S. U. E.	200	- 13 Nov. 1818	18 Nov. 1831 -	-	7 May		
		John Taylor, jun.	ditto -	ditto	- 26 Feb. 1828	28 Feb. 1828 -	-	2 June		
		Leah Peterson	ditto -	ditto	- 6 Jan. 1827	11 Dec. 1832 -	-	10 -		
		Nancy Gunsolus	ditto -	ditto	- 13 June 1818	4 June 1834 -	-	13 -		
		Margaret Singleton	ditto -	ditto	- 23 July 1823	19 Nov. 1829. -	-			
		John Smith	Emig. settler	50	- 16 June 1836	prior to 1825 -	Sett. duty -	17 -		
		James Smith	ditto -	50	- ditto -	ditto -	ditto.			
		Stephen Young, jun.	S. U. E.	ditto	- 23 June -	23 June 1836 -	-	24 -		
		Thomas Potts	Dis. soldier -	100	- 4 Mar. 1824	prev. to Oct. 1834	Res. on grant 3 years	13 -		
		Patrick Sullivan	ditto -	ditto	- 1 Sept. 1831	8 Aug. 1833 -	ditto -	21 -		
		Philip Jones	Militia	ditto	{ Cert. A. G. M., 8 March 1836. }	19 Mar. 1836 -	-	13 -		
		Caleb Ganison	ditto -	ditto	Ditto - 16 Feb. 1836	ditto -	-	17 -		
		Henry Barreger	ditto -	ditto	Ditto - 28 July 1835	ditto -	-	15 -		
		John Cronk	ditto -	ditto	Ditto - 28 Mar. 1836	11 April 1836 -	-	25 -		
		Wilson Conger	Regs. 9 July 1796	200	Ditto - 10 June 1797	(an old date) -	Payment of fees -	19 July		
		James Palmer	Militia	100	{ Cert. A. G. M., filed 2 July 1836. }	2 July 1836 -	-	20 -		- Pat. fee and survey paid.
		David Roblin	ditto -	ditto	Cert. 8 May 1821	ditto.	-			
		David Roblin	S. U. E.	200	- 4 Sept. 1822	2 Oct. 1822 -	-	2 -		

SALE OF LANDS IN UPPER CANADA.

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Madoc -	Thomas Rankin	S. U. E.	ditto	O. C., 12 June 1832	21 June 1832	-	-	11 April	-	-
	Deborah McTaggart	ditto	ditto	- 21 Mar. 1833	22 Mar. 1833	-	-	10 May	-	-
	John Scott, jun.	ditto	ditto	- 6 Dec. 1832	8 Dec. 1832	-	-	21 June	-	-
	Mahew Tupper	Militia	100	{ Cert. A. G. M., June 1820.	10 June 1820	-	-	13 -	-	-
	Nicholas Ault	ditto	ditto	7 June 1820 -	ditto	-	-	16 -	-	-
	Eliahim Squires	ditto	ditto	17 Feb. -	16 April 1821	-	-	17 -	-	-
Marmore	George Abbott	ditto	ditto	{ Cert. A. G. M., filed 2 Feb. 1836.	2 Feb. 1836	-	-	15 April	-	-
	Elizabeth Thompson	D. U. E.	200	O. C., 31 July 1817	23 Jan. 1832	-	-	20 -	-	-
	James Lally	Dis. soldier	100	- 24 April 1835	-	-	-	15 June	-	-
	James Broffen	ditto	ditto	- 6 Feb. 1830	8 Nov. 1831	-	-	ditto	-	-
	John Nadeau	Dis. artificer	200	- 5 Sept. 1833	10 Sept. 1833	-	-	ditto	-	-
	Matthew Ryan	Dis. soldier	100	- 11 Oct. 1832	4 April 1836	-	-	ditto	-	-
	Angelo Fortunato	ditto	ditto	- 2 Oct. 1834	3 Oct. 1834	-	-	ditto	-	-
	John Little	Dis. artificer	200	- 13 May 1819	8 April 1833	-	-	ditto	-	-
	Darby, Foley	{ Sett. regs. 6 July 1804.	200	- 28 Feb. 1833	22 Mar. 1825	-	-	13 June	-	- Pat. fee and survey paid.
	Hugh Scallon	{ Sett. regs. 1 Jan. 1820.	50	- 13 Mar. 1819	31 July 1822	-	-	25 -	-	-
	Arthur Wright	ditto	50	- ditto -	ditto	-	-	ditto	-	-
	Geo. Wright, jun.	ditto	50	- ditto -	ditto	-	-	ditto	-	-
	Thomas Kaines	Purser R. N.	400	- 18 April 1821	28 Aug. 1833	-	-	8 April	-	-
Westmeath	Mary Ann Adams	D. U. E.	200	- 27 June 1833	28 June	-	-	ditto	-	-
	Jane Clow	ditto	ditto	- 1 May 1834	9 June 1835	-	-	ditto	-	-
	Sarah Babcock	ditto	ditto	- 4 Sept. 1835	4 Mar. 1836	-	-	11 May	-	-
	John Rose	ditto	ditto	- 28 June 1832	24 Oct. 1834	-	-	31 -	-	-
	John Robertson	{ Emig. from Scot- land 1815.	400	- 13 Mar. 1827	28 Jan. 1836	-	-	6 June	-	-
	James Hunter	S. U. E.	200	- 11 Oct. 1832	13 Oct. 1832	-	-	ditto	-	-
	Joseph Wiltze	ditto	ditto	- 19 June -	10 June -	-	-	ditto	-	-
	Abigail Snyder	ditto	ditto	- 28 Sept. -	2 Oct. -	-	-	ditto	-	-
	David Sheets	ditto	ditto	- 2 May 1833	26 Nov. 1833	-	-	8 June	-	-
	Thomas Stanley	C. L. sale	1	{ Cert. C. C. L., 22 March 1836.	-	-	-	15 April	-	-
Town of Rich- mond.	Thomas Stanley	-	1	Claim allowed under com., July 1833	-	-	-	3 15 -	-	- Pat. fee and survey paid.
Town of Perth	Nadab Eastman and another.	-	1	O. C., 23 May 1836	prior to 1825	-	-	10 June	-	-
Westmeath	Rev. Peter James de la Motte.	-	1	-	-	-	-	-	-	-
	Dawson, Kerr	C. L. sale	1	{ Cert. C. C. L., 23 July 1836.	-	-	-	23 July	-	-
	George Humeread	Military settler	{ 123200 sq. lks.	O. C., 12 Mar. 1827	-	-	-	28 -	-	-

(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
PRINCE EDWARD	Big Island	Paul Cronk	C. L. sale	98	{ Cert. C. C. L., 8 March 1836.	-	-	1836:	£. s. d.	
		Ann Connor	-	50	Claim allowed under com. July 1834	-	-	8 June - 4 July	73 10 -	
MIDLAND:	Hinchinbroke	Samuel Merrill	-	200	Claim allowed under com. July 1835	-	-	7 May	-	Fees remitted.
		George Thompson	Militia	100	{ Cert. A. G. M. filed 16 May 1836.	16 May 1836	-	17 -	-	
	Kingston	Martin Clement	ditto	ditto	Cert. 8 May 1821	16 Nov. 1834	-	10 June	-	
		Henry W. Bowen	-	ditto	Claim allowed under com. July 1835	-	-	6 April	-	Pat. fee paid.
	Portland	Daniel Everitt	-	15	- ditto	July 1833	-	1 June	-	
		Peter Huffman	S. U. E.	100	O. C. 2 Nov. 1834	21 Nov. 1834	-	10 May	-	
	Elzevir	John McKay	Dis. artificer	200	- 24 Mar. 1835	13 May 1836	-	20 July	-	
		Simon Treyer	Militia	100	{ Cert. A. G. M. filed 2 July 1836.	2 July -	-	29 -	-	
	Hungerford	Thomas Caton	ditto	ditto	Ditto - 14 July 1820	8 March -	-	8 April	-	
		George McMullen	ditto	ditto	Ditto - 5 Mar. 1836	ditto.	-		-	
		Abner Bishop	ditto	ditto	Ditto - 22 Sept. 1820	ditto.	-		-	
		Malcolm McPherson	ditto	ditto	Ditto - 5 Mar. 1836	ditto.	-		-	
		William Fairman	ditto	ditto	- ditto	ditto.	-		-	
		Catherine McMaster	D. U. E.	200	O. C., 8 July 1833	3 April 1835.	-		-	
		Benjamin A. Birdsall	S. U. E.	ditto	- 2 Oct. 1834	8 Mar. 1836.	-		-	
		Thomas Wright	S. U. E.	ditto	- 27 June 1833	ditto.	-		-	
	Marmora	Timothy Storing	Militia	100	{ Cert. A. G. M., 17 April 1821.	30 Oct. 1823 -	-	10 June	-	
		William Franklin	ditto	ditto	14 June 1836 -	14 June 1836 -	-	14 -	-	
		John Franklin	ditto	ditto	31 May -	31 May -	-	17 -	-	
		George Oliver	ditto	ditto	- ditto	ditto	-	ditto.	-	
		Thomas Conklin	ditto	ditto	- ditto	ditto	-	ditto.	-	
		Henry Franklin	ditto	ditto	- ditto	ditto	-	ditto.	-	
		Thomas Smith	ditto	ditto	14 Feb. 1834	ditto	-	ditto.	-	
		Frederick Peuce	ditto	ditto	31 May 1836	ditto	-	ditto.	-	
		Francis Powley	ditto	ditto	- ditto	ditto	-	ditto.	-	
		Edmund Burke	Emig. settler	ditto	O. C., 2 June 1836	{ By Hon. P. R., prior to 1828 - }	Sett. duty -	9 June	-	
		John Quinlan	ditto	ditto	- ditto	ditto	-	ditto.	-	
		Denis Murphy	ditto	ditto	- ditto	ditto	-	ditto.	-	
		Jeremiah Murphy	ditto	ditto	- ditto	ditto	-	ditto.	-	

SALE OF LANDS IN UPPER CANADA.

Lenox and Ad- dington.	Sidney - Tyendinaga - Town of Belle- ville. Camden, E. - Ditto - Ernest-town - Fredericksburg Richmond -	Thomas Callaghan -	ditto -	ditto	O. C., 12 May 1836	ditto	-	ditto -	-	ditto -	-	ditto.
		William Wall -	ditto -	ditto	2 June -	ditto	-	ditto -	-	ditto -	-	ditto.
		Michael Sheehan -	ditto -	ditto	ditto -	ditto	-	ditto -	-	ditto -	-	ditto.
		Samuel D. Purdy -	S. U. E. -	200	12 July 1820	31 May 1836	-	-	-	-	-	15 June
		Abraham Collard -	ditto -	ditto	27 June 1833	7 June 1836	-	-	-	-	-	ditto.
		Rachael Richardson -	ditto -	ditto	2 June 1836	31 May -	-	-	-	-	-	ditto.
		Joseph Purdy -	ditto -	ditto	5 Feb. 1835	7 June -	-	-	-	-	-	ditto.
		John Richardson -	ditto -	ditto	2 June 1836	31 Mar. -	-	-	-	-	-	ditto.
		Christiania Wood -	ditto -	ditto	27 Nov. 1834	24 Dec. 1825	-	-	-	-	-	ditto.
		Elizabeth Green -	ditto -	ditto	23 Dec. 1825	3 June 1836	-	-	-	-	-	20 July
Town of Belle- ville.	Camden, E. - Ditto - Ernest-town - Fredericksburg Richmond -	Arch. Campbell, jun. -	ditto -	46	11 Feb. 1836	July 1831	-	-	-	-	-	10 June -
		Moses Morse -	-	-	Claim allowed under com.	July 1831	-	-	-	-	-	14 April -
		Elias C. Brown -	C. L. sale -	100	{ Cert. C. C. L., 2 March 1836. }	10 Feb. 1836	-	-	-	-	-	28 -
		John Longchamp -	Com. R. N. -	462	O. C., 2 July 1835	29 Nov. 1833	-	-	-	-	-	10 June
		Patrick Donegan -	Dis. soldier -	100	-	30 May 1836	-	-	-	-	-	13 -
		James Harper -	Lt. N. N. -	200	-	18 April 1834	-	-	-	-	-	24 -
		John Landon -	Capt. 7th regt. -	340	3 April 1834	29 Oct. 1832	-	-	-	-	-	27 -
		Hugh Carley -	Dis. soldier -	100	3 May 1832	{ By Hon. P. R., prior to 1828 - }	-	-	-	-	-	9 -
		Robert Downman -	Emig. settler -	100	2 June 1836	July 1834	-	-	-	-	-	6 April -
		James Harris -	-	1 1/2	Claim allowed under com.	July 1834	-	-	-	-	-	16 -
Ernest-town -	Camden, E. - Ditto - Ernest-town - Fredericksburg Richmond -	Thomas Coleman -	-	1 1/2	ditto -	July 1832	-	-	-	-	-	9 -
		William Hales -	{ Sett. regs., 6 July 1804. }	1 1/2	O. C., 10 May 1819	23 Jan. 1826	-	-	-	-	-	7 June -
		Isaac Stimers -	ditto -	1 1/2	23 June -	21 Nov. 1834	-	-	-	-	-	10 May
		Peter Huffman -	S. U. E. -	50	2 Nov. 1834	4 Feb. 1836	-	-	-	-	-	5 -
		Can. Co. -	-	100	4 Feb. 1836	July 1835	-	-	-	-	-	6 April
		Denis Lucas -	-	ditto	Allowed under com.	July 1834	-	-	-	-	-	ditto.
		Martin Hawley -	-	ditto	ditto -	July 1835	-	-	-	-	-	6 June
		Abraham Dewitt -	C. R. sale -	200	{ Cert. C. C. L., 2 March 1836. }	16 Mar. 1833	-	-	-	-	-	8 -
		Gilbert Hogaborn -	C. R. sale -	ditto	Ditto - 11 Feb. 1836	16 Mar. 1833	-	-	-	-	-	8 July
		Isaac Post -	-	100	Claim allowed under com.	July 1835	-	-	-	-	-	21 June
Richmond -	Fredericksburg Richmond -	Angus Cameron -	Dis. sergeant -	150	O. C., 17 Nov. 1830	1 June 1833	-	-	-	-	-	24 -
		Thomas Walden -	Dis. soldier -	100	9 Mar. -	3 Sept. 1832	-	-	-	-	-	ditto.
		John Mowat -	Dis. sergeant -	200	6 Sept. 1832	20 Aug. -	-	-	-	-	-	10 June
		William Wilkinson -	C. R. sale -	100	{ Cert. C. C. L., April 1836. }	16 Mar. 1833	-	-	-	-	-	10 May
		Charles Loucks -	S. U. E. -	182	O. C., 7 Mar. 1833	ditto	-	-	-	-	-	ditto.
		Isaac Loucks -	ditto -	200	ditto -	30 April 1835	-	-	-	-	-	2 June
		Mary Dulyea -	ditto -	ditto	2 Jan. 1834	24 May 1833	-	-	-	-	-	10 -
		Jacob Loucks -	ditto -	ditto	18 May 1833	16 Mar. -	-	-	-	-	-	13 -
		Amarilla Scott -	ditto -	ditto	28 Feb. 1833	16 Mar. -	-	-	-	-	-	13 -
		-	-	-	-	-	-	-	-	-	-	-

(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
NEWCASTLE: Durham -	Bexley -	Henry Vansittart	{ In exchange for certain property surrendered R. Adm. R.N. }	3,689½	O. C., 20 Jan. 1836 -	-	-	27 Apr. 1836	£. s. d.	
		Henry Vansittart	-	658	3 July 1834 -	10 Apr. 1835	{ Reside in colony 2 years and S. D. }	29 -	-	
	Cartwright	Canada Company	-	100	4 Feb. 1836 -	-	-	5 May -	-	{ Pat. fee and survey paid. }
	Cavan -	Joseph Rutherford	{ Settler regulations, 6 July 1804 - }	ditto	18 Jun. 1817 -	11 June 1818	{ Settlem ^t duty and fees - - - }	31 -	-	
		Walter King -	- ditto -	ditto	-	-	- ditto -	-	-	
		Benjamin Barnes	{ Settler regulations, 5 Jan. 1819 - }	150	23 Dec. 1825 -	9 Feb. 1833	- ditto -	-	-	
		Robert Seney -	- ditto -	ditto	-	-	- ditto -	-	-	
		Gustavus Howden	C. R. sale -	100	{ Cert. C. C. L., 8 Feb. 1836 - }	-	-	21 June -	50 -	
	Clarke -	William Phair -	Dis. serjeant -	200	O. C., 12 June 1832 -	25 June 1833	{ Reside on grant three years - }	- ditto.	-	
	Darlington	Jacob Hughson	Regs., 9 July 1796	100	25 Feb. 1836 -	-	{ Payment of fees, immediate occupa ⁿ }	11 June -	-	{ Pat. fee and survey paid. }
		Canada Company	-	200	4 - - -	-	-	5 May -	-	
	Eldon -	Mary Hart, widow of discharged soldier	-	100	2 Aug. 1832 -	17 Aug. 1832	{ Reside on grant three years - }	4 Apr. -	-	
		George Ross -	Dis. serjeant	200	7 Jan. 1827 -	-	- ditto -	6 June -	-	
		Hugh M'Burney	Dis. soldier -	100	24 Apr. 1833 -	19 Oct. 1833	- ditto -	9 - - -	-	
		Blythe Armstrong	- ditto -	ditto	24 Oct. 1831 -	28 Feb. 1832	- ditto -	10 - - -	-	
		John Carr -	- ditto -	ditto	3 Nov. 1831 -	1 Dec. 1831	- ditto -	- ditto.	-	
		John Cummings	- ditto -	ditto	2 Dec. 1830 -	2 July -	- ditto -	- ditto.	-	
		Anne Devine (widow)	- ditto -	ditto	28 Jun. 1832 -	12 Feb. 1836	- ditto -	- ditto.	-	
		John Hughes -	- ditto -	ditto	23 July 1832 -	11 July 1832	- ditto -	13 June -	-	
		James Byrnes -	- ditto -	ditto	- ditto -	13 - - -	- ditto -	- ditto.	-	
		John M'Donald	{ Follower of Mr. Donald Cameron - }	200	8 Mar. 1826 -	-	{ Settlem ^t duty and fees - - - }	10 June -	-	{ Pat. fee and survey paid. }
Fenelon		Thomas Madden	Dis. serjeant	ditto	11 Aug. 1831 -	31 Oct. 1831	{ Reside on grant three years - }	- ditto.	-	
		John Miller -	- ditto -	ditto	- ditto -	1831 -	- ditto -	- ditto.	-	
		Robert M'Carroll	- ditto -	ditto	- ditto -	10 Sept. -	- ditto -	- ditto.	-	
		George Foster -	- ditto -	ditto	9 June 1836 -	By agent, 1832-3	- ditto -	14 June -	-	
		John Conolly -	Dis. soldier -	100	16 - - -	- ditto -	- ditto -	21 - - -	-	
		Edward Sliney	Emig. settler	ditto	12 May - - -	{ Loc. by hon. P.R. prior to 1828 - }	Settlem ^t duty -	9 - - -	-	
		James Rotchford	- ditto -	ditto	- ditto -	- ditto -	- ditto -	- ditto.	-	

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money. £. s. d.	Fees.
NEWCASTLE—continued.										
Northumberland	Alnwick	Paulina Walkers	Regs., 9 July 1796	200	O. C., 8 June 1798	(Old date)	Payment of fees	4 Apr. 1836		
		Isaac Johnson	Militia	100	{ Cert. A. G. M., 5 Mar. 1834	13 Feb. 1836	-	31 May -		
	Asphodel	David Leahy	Emig. settler	ditto	O. C., 12 May 1836	{ By Hon. P. R., prior to 1828	Settlement duty	9 June -		
		Dennis Sheehan	ditto	ditto	- ditto	- ditto	-	- ditto.		
	Belmont	Thomas Modair	Dis. artificeer	200	- 7 Aug. 1834	15 May 1835	-	15 Apr. -		
		Daniel Anderson	Dis. soldier	100	- 12 Mar. 1833	10 Apr. 1833	{ Reside on grant three years -	21 -		
		John Smith, jun.	Militia	ditto	{ Cert. A. G. M., 16 June 1834	2 Mar. 1836	-	9 -		
		Susannah Tuttle	D. U. E.	200	O. C., 7 Aug. 1834	9 Apr.	-	- ditto.		
		Joseph Hicks	S. U. E.	ditto	- 8 May 1833	20 Feb.	-	15 Apr. -		
		Peter Sills	Militia	100	{ Cert. A. G. M., 19 July 1820	2 May	-	10 May -		
		William Huff	ditto	ditto	ditto, 7 Feb. 1834	27 Feb.	-	11 -		
		Andrew Richeley	ditto	ditto	ditto, 21 July 1820	29 -	-	- ditto.		
		James Bradshaw	ditto	ditto	ditto, 21 June -	2 Mar.	-	- ditto.		
		Peter Davey	ditto	ditto	ditto, 5 Feb -	27 Feb.	-	- ditto.		
		James Hart	ditto	ditto	ditto, 22 July -	2 Mar.	-	- ditto.		
		Samuel Barnhart	ditto	ditto	ditto, 21 -	- ditto	-	- ditto.		
		Hannah Fashee	D. U. E.	200	O. C., 2 Oct. 1834	6 Oct. 1834	-	- ditto.		
		Lucretia McKenzie	ditto	ditto	- 5 Sept. 1833	7 Sept. 1833	-	- ditto.		
		Nancy Crowder	ditto	ditto	- 22 Apr. 1831	8 Dec. 1832	-	- ditto.		
		Colin Ross	ditto	ditto	- 22 July 1824	27 Feb. 1836	-	- ditto.		
		Caroline McKenzie	ditto	ditto	- 5 Sept. 1833	7 Sept. 1833	-	- ditto.		
		Susannah Watson	ditto	ditto	- 2 Oct. 1834	6 Oct. 1834	-	- ditto.		
		Jane Young	ditto	ditto	- 13 June 1818	27 Feb. 1836	-	- ditto.		
		Helen Kirkpatrick	ditto	ditto	- 4 Sept. 1834	3 Nov. 1834	-	31 May -		
		John Bannan	Dis. soldier	100	- 8 June 1832	June 1832	{ Reside on grant three years -	13 June -		
		Truman Nappin	Militia	100	{ Cert. A. G. M., 29 July 1834	18 Jan. 1836	-	1 June -		
		Samuel Whitley	S. U. E.	200	O. C., 22 July 1824	2 Mar. 1825	-	- ditto.		
		Henrietta Fisher	ditto	ditto	- 4 Sept. 1834	3 Nov. 1835	-	- ditto.		
		William Cotter	Emig. settler	100	- 9 June 1836	{ By hon. P. R., prior to 1828	Settlement duty	14 June -		
		Anna Jones	D. U. E.	200	- 30 May 1835	-	-	24 -		
		David Dafee	ditto	ditto	- 30 - 1834	-	-	- ditto.		

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
NEWCASTLE— <i>continued.</i>	Ennismore	Michael Cortells, jun.	Emig. settler	100	O. C. 9 June 1836	{ By hon P. R., prior to 1838 }	Sett. duty	1836: 14 June	£. s. d.	
		Patrick Sullivan	-	200	- 24 Apr. 1835	ditto	ditto	20 -		
Northumberland <i>continued.</i>	Hamilton	Nathan W. Tripp	C. R. sale	1	{ Cert. C. C. L. 18 July 1836 }	-	-	19 July -	5 -	
		Isaac Cole	Militia	200	{ Cert. A. G. M. 8 May 1821 }	1 Feb. 1836	-	15 April		
-	Harvey	Henry Comer	S. U. E.	ditto	{ O. C. 15 May 1835 }	16 June 1835	-	ditto.		
		Elizabeth Williams	D. U. E.	ditto	- 5 Jan. -	6 Feb. -	-	ditto.		
		Isabel Hawley	D. U. E.	ditto	- 7 Feb. 1833	20 Feb. 1836	-	ditto.		
		Matthias Switzer	S. U. E.	ditto	- 19 June 1832	ditto	-	ditto.		
		Martin Pettingell	S. U. E.	ditto	- 18 July 1834	1 Feb. -	-	ditto.		
		John B. Crowe	C. L. sales	375	{ Cert. C. C. L. 6 June 1836 }	-	-	11 June -	90 14 9	
		John Bell	Militia	200	{ Cert. A. G. M. 19 July 1820 }	12 Jan. 1824	-	21 -		
		Gilbert Curtis Bogert	S. U. E.	200	{ O. C. 15 Dec. 1832 }	6 Feb. 1835	-	10 -		
		Eve Greggs	D. U. E.	ditto	- 19 July 1826	6 Apr. 1831	-	ditto.		
		Peter Sills	S. U. E.	ditto	- 5 Sept. 1833	7 Sept. 1833	-	ditto.		
		Sarah Smith	ditto	ditto	- 26 July 1820	4 ditto	-	21 June		
		Stephen Reddin	ditto	ditto	- 1 July 1830	ditto	-	ditto.		
		Robert Leadbeater	{ Sett. regs. 1 January 1820 }	100	- 2 Apr. 1823	2 May 1823	Sett. duty and fees	29 July -	-	- Pat. fee and survey paid.
		Christopher Baker	{ Dis. soldier - Sett. regs. 6 July 1804 }	ditto	- 19 Feb. 1818	{ By L. B. prior to 1824 }	Res. on grant 3 years	11 June	-	ditto.
		Jeremiah Parker, jun.	-	ditto	- 18 June 1819	-	Sett. duty and fees	21 ditto	-	
Murray Seymour	-	Can. Co. -	-	ditto	- 4 Feb. 1836	-	-	5 May		
		Thomas Carr -	{ In lieu of a lot surrendered. Dis. soldier -	30	Claim allowed under com. July 1835	-	-	30 -		
-	-	William Kingsmill and another.	-	100	O. C. 10 Feb. 1836	-	-	ditto.		
		Edward Landers	Dis. soldier	100	- 7 July 1831	31 May 1832	Res on grant 3 years	10 June		
		Connel J. Baldwin	Capt. H. P. 50th regt.	138	- 25 Oct. 1828	28 Jan. 1835	- Res in colony 2 years, and S. D.	ditto.		
		Thomas Nelson	Settler under Capt. Spillsbury.	100	{ G. O. C. 13 March 1819 }	10 May 1820	Sett. duty	14 June		
		John Blizzard, jun.	{ Sett. regs. 6 July 1804 }	100	- ditto -	12 Jan. 1822	ditto and fees	ditto	-	ditto.

Name	Settlers' regs. 6 January 1820.	G. O. C. 13 Mar. 1819	50 50	Sett. duty	10 June ditto.	10 June ditto.
Archibald McIntyre	Emig. sett.	O. C., 12 May 1836	100	ditto	9 June	
Duncan McIntyre	ditto	ditto	ditto	ditto	ditto.	
James O. Keefe	ditto	ditto	ditto	ditto	ditto.	
Philip Sergeant	ditto	ditto	ditto	ditto	ditto.	
Patrick Roach	ditto	ditto	ditto	ditto	ditto.	
Nicholas Keating	ditto	ditto	ditto	ditto	ditto.	
John Falvey	ditto	ditto	ditto	ditto	ditto.	
Richard Condon	ditto	ditto	ditto	ditto	ditto.	
Florence Driscoll	ditto	ditto	ditto	ditto	ditto.	
Maurice Roach	ditto	ditto	ditto	ditto	ditto.	
Anthony Birdsall	Sett. regs. 5 January 1819.	18 Aug. 1819	ditto	ditto and fees	13 -	ditto.
James Condon	emig. settler ditto	13 June 1836	ditto	Sett. duty	15 -	
Thomas Hallahan	ditto	ditto	ditto	ditto	ditto.	
Michael Hantian	ditto	ditto	ditto	ditto	ditto.	
Thomas Henderson	Sett. regs. 5 January 1819.	24 Nov. 1827	150	ditto and fees	22 June	ditto.
George Buck	emig. settler	ditto	ditto	ditto	25 -	
William Kay	Purser, R.N.	15 Oct. 1835	100	{res. in colony 2 yrs. and S. D.}	31 May	
Wm. Kingsmill & Co.	{In lieu of a lot sur- rendered	11 Feb. 1836	200	ditto	30 -	
James Harper	Lieut. R.N.	27 Sept. 1833	ditto	ditto	13 June	
Robert Cook	ditto	7 Aug. 1834	369	ditto	17 -	
John Tice	Lieut. 2 garrison. bat.	28 Oct. 1833	100	ditto	23 -	
Mungo Ponton	-	4 Aug. 1831	400	Sett. duty	21 -	
Can. Co.	-	4 Feb. 1836	100	-	5 May	{Pat. fee and survey paid.
William Wilson	Sett. regs. 6 July 1804.	G. O. C. 13 Mar. 1819	100	Sett. duty and fees	17 April	
Catherine Davis	widow of dis. soldier	1 Sept. 1831	ditto	Res. on grant 3 years	11 May	
Mary Ann Rogers	ditto	3 Feb. 1833	ditto	ditto	10 June	
Michael Brennan	ditto	6 Oct. 1831	ditto	ditto	14 -	
Christopher Quinn	ditto	4 Aug. -	ditto	ditto	ditto.	
James Rogers	ditto	24 Oct. -	200	ditto	ditto.	
Patrick Sweeney	ditto	23 June 1836	100	ditto	24 June	
Stephen Nichol	Sett. Regs. 6 July 1804.	G. O. C. 13 Mar. 1819	ditto	Sett. duty and fees	11 -	ditto.
George Hanan	Emig. settler	O. C. 12 Mar. 1836	ditto	Sett. duty	9 -	
William McDonald	ditto	ditto	ditto	ditto	ditto.	
John Bolster	ditto	ditto	ditto	ditto	ditto.	
Dennis Hanan	ditto	ditto	ditto	ditto	ditto.	
Richard Andrews	ditto	ditto	ditto	ditto	ditto.	

(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
NEWCASTLE— <i>continued.</i> Northumberland <i>continued.</i>	Smith— <i>cont'd.</i>	James Davidson	{ Sett. Regs. 31 January 1824.	100	O. C. 29 Apr. 1824	28 May 1824	Sett. duty and fees	1836: 10 June	£. s. d.	- Pat. fee and survey paid.
		Henry Burgess	Emig. settler	200	— 19 May 1836	{ By hon. P. R., prior to 1828 }	Sett. duty	14	-	-
		Andrew Dailey	ditto	ditto	— 9 June	ditto	ditto	ditto.	-	-
		Owen Dailey	ditto	ditto	— ditto	ditto	ditto	ditto.	-	-
		Samuel Young	ditto	ditto	— 13 ditto	ditto	ditto	15 June	-	-
		John Young	ditto	ditto	— 20 ditto	ditto	ditto	ditto.	-	-
		Daniel Burgess	ditto	ditto	— 4 Feb. 1836	ditto	ditto	22 June	-	-
		Can. Co.	ditto	ditto	—	ditto	ditto	5 May	-	-
		John O'Brien	{ Sett. regs. 6 July 1804.	1	— 12 Jan. 1829	28 Jan. 1829	Sett. duty	25 June	-	- Pat. fee and survey paid.
		John Hutchinson	C. L. sale	1	{ Cert. C. C. L. 4 May 1836.	-	-	20 July	10	-
	Town of Peterborough. Town of Cobourg. Albion, 2d Rid.	David Hamilton, &c.	{ As a glebe for the church of Scotland.	1	O. C. 30 May 1835	-	-	19	-	-
		George S. Boulton	C. L. sale	2	{ Cert. C. C. L. 10 June 1836.	-	-	29 July	7 10	-
		Benjamin Clark	ditto	1	- ditto	-	-	ditto	10	-
		John Black	Dis. soldier	100	O. C. 10 Aug. 1832	12 Dec. 1832	Res. on grant 3 yrs.	6 April	-	-
		Catherine Nirding	ditto	ditto	— 18 Aug.	{ 17 March 1836, a relocation }	ditto	11 May	-	-
		Charles Caison	ditto	ditto	— 4 Aug. 1831	31 Aug. 1832	ditto	ditto.	-	-
		David Dawdle	ditto	ditto	— 1 Dec. 1831	2 Dec. 1831	ditto	ditto.	-	-
		George Douthwaite	{ Sett. regs. 6 July 1804.	ditto	— 15 Oct. 1819	12 Nov. 1819	Sett. duty and fees	ditto	-	- Pat. fee and survey paid.
		Robert Duncan	Dis. serjeant	ditto	— 2 Oct. 1834	18 June 1835	Res. on grant 3 yrs.	21 June	-	-
		Thomas Johnson	Dis. soldier	ditto	— 20 July 1830	6 Apr. 1833	ditto	23	-	-
HOME— York	Brock, 4th Rid.	Henry Dawney	ditto	ditto	— 27 Oct. 1832	27 Feb.	ditto	ditto.	-	- Pat. fee and survey paid.
		Richard Owen	-	ditto	Claim allowed under com. July 1827	July 1827	-	15 June	-	-
		George Cooper	-	ditto	- ditto -	1829	-	18	-	-
		John Gracey	{ Sett. regs. 31 January 1824.	ditto	O. C. 21 Dec. 1825	13 Dec. 1834	Sett. duty and fees	29	-	-
		William Smith	ditto 6 July 1804. Dis. seaman	ditto	— 5 May 1819 — 12 June 1832	27 Oct. 1819 21 Mar. 1836	ditto Res. on grant 3 yrs.	2 July 29 April	- -	- -

SALE OF LANDS IN UPPER CANADA.

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Name	Rank	Date	Pay	Remarks
Joseph Fyane	Dis. soldier	-	-	-
John Edwards	ditto	-	-	-
Michael Harlin	ditto	-	-	-
William Keane	ditto	-	-	-
William Pardon	ditto	-	-	-
Chas. Klenkeulrimer	{ Sett. regs. 31 January 1824.	-	-	-
Cornelius Johnson	Militia	-	-	-
James Jones	{ Sett. regs. 6 July 1804.	-	-	-
Thomas Smith	ditto	-	-	-
Isabella Mattheson,	Widow of dis. soldier	-	-	-
Juliana Wert	D. U. E.	-	-	-
Eliza Farquharson	D. U. E.	-	-	-
George Searle	Dis. soldier	-	-	-
James Fenton	ditto	-	-	-
Patrick Messett	ditto	-	-	-
Robert Duncan	Dis. serjeant	-	-	-
Archibald McLean	Dis. soldier	-	-	-
John Cooper	ditto	-	-	-
Thomas Blake	Dis. serjeant	-	-	-
James Coane	Dis. soldier	-	-	-
John Crighton	{ Sett. regs. 1 January 1820.	-	-	-
William Kennelly	{ Sett. regs. 31 January 1824.	-	-	-
Neil McDonald	Dis. soldier	-	-	-
Hugh McLeran	{ Sett. regs. 1 January 1820.	-	-	-
William Daly	{ Sett. regs. 6 July 1804.	-	-	-
Dennis Brazle	ditto	-	-	-
Peter S. Campbell	Militia	-	-	-
Isaac Davis	{ Sett. regs. 6 July 1804.	-	-	-
Francis Campbell	S. U. E.	-	-	-
Abraham Scott	{ Sett. regs. 6 July 1804.	-	-	-
William Higgins	ditto	-	-	-
Edward Fleicher	ditto	-	-	-
John Miller	ditto	-	-	-
Nathaniel Cornwall	ditto	-	-	-

ORDERS IN COUNCIL RELATING TO THE

3.—Descriptions for Grants of Land, Upper Canada—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Condition.	When the Description issued.	Purchase Money.	Fees.
HOME—contd. York—contd.	Georgina, 4th Riding.	Can. Co.	-	200	O. C., 4 Feb. 1836 -	-	-	1836 :	£. s. d.	
	Willembury, E. 4th Riding.	Ebenezer Doan	C. R. sale	100	{ Cert. C. C. L., 7 June 1836. }	-	-	5 May	87 - -	
	Ditto - N.	Elisha Mitchell	ditto	ditto	ditto - ditto	-	-	14 June	56 5 -	
	Pickering, 3d R.	Can. Co.	-	200	O. C., 4 Feb. 1836 -	-	-	ditto	-	
	Ditto -	William Reynolds	Militia	100	{ Cert. A. G. M., 12 April 1820. }	20 Oct. 1834 -	-	5 May	-	
	Reach, 4th R.	Can. Co.	-	ditto	O. C., 4 Feb. 1836 -	-	-	16 June	-	
	Scarborough, 3d Riding.	Isaac Christy	C. R. sale	ditto	{ Cert. C. C. L., 10 March 1836. }	-	-	5 May	75 - -	
	Toronto, 2d R.	George Graham	-	ditto	Claim allowed under com. July 1835	-	-	26 May	-	{ First ins ^t . and pat. fee paid.
		William Blain	C. R. sale	50	{ Cert. C. C. L., 21 June 1836. }	-	-	15 April	-	{ Pat. fee and survey paid.
		Benjamin Stewart	{ Sett. regs., 5 Jan. 1819 - - }	100	O. C., 5 May 1819	14 May 1819 -	Sett. duty and fees	21 June	50 - -	
		John Rutledge	ditto	ditto	- 22 April -	1 May -	ditto	9 -	-	ditto.
		William Birdsall	{ Sett. regs., 6 July 1804 - - }	200	- 18 June 1817	24 Jan. 1825 -	ditto	16 -	-	ditto.
		Finlay Cameron	ditto	100	- 21 April 1836	23 Mar. 1832 -	ditto	20 -	-	ditto.
		James Nesbit	ditto	ditto	- 24 Mar. 1819	24 May 1819 -	ditto	24 -	-	ditto.
		Peter Douglass	ditto	200	- 28 Jan. -	-	ditto	ditto	-	ditto.
		William Douglass	ditto	ditto	- ditto -	-	ditto	ditto	-	ditto.
		William Whaley	{ Sett. regs., 5 Jan. 1819 - - }	100	- 22 April 1819	1 May 1819 -	ditto	25 June	-	ditto.
		William Mcintosh	C. L. sale	200	{ Cert. C. C. L., 2 February 1836. }	-	-	ditto	-	
		Rev. Peter Jones	Ind. res. missionary	200	O. C., 16 June 1836	-	-	13 July	25 - -	
		Hon. P. Adamson	{ Purchased at pub- lic sale, 24 June 1828 - - }	200	- 31 Mar. 1836	-	-	20 -	-	per acre.
		Dickinson Fletcher	C. L. sale	200	{ Cert. C. C. L., 11 May 1836. }	-	-	19 -	- 10 -	
	Gore of Toronto, 2d Riding.	John Groves	ditto	100	ditto 20 June 1836 -	-	-	21 June	162 10 -	
		John Healy	ditto	ditto	ditto 27 -	-	-	ditto	100 - -	
								27 June	75 - -	

SALE OF LANDS IN UPPER CANADA.

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(continued)

Whitby, 3d R.	Peter McDonald	-	C. R. sale	-	ditto	{ Cert. C. C. L., May 1836. O. C., 4 Feb. 1836 -	-	-	-	-	17 June	100	-
Whitechurch	Can. Co. -	-	-	-	200	{ Cert. C. C. L., 23 July 1836. Cert. C. C. L., June 1836. -	-	-	-	-	5 May	250	-
4th Riding.	John McKay	-	C. R. sale	-	200	{ Cert. C. C. L., June 1836. Cert. 20 June 1836 -	-	-	-	-	23 July	40	-
Ditto -	Hon. Peter Robinson	-	C. L. sale	-	1 3/4	ditto - ditto -	-	-	-	-	ditto	14	-
City of Toronto	George Monro	-	ditto	-	ditto	ditto - ditto -	-	-	-	-	ditto	12 10	-
Town of Port	John Powell	-	ditto	-	ditto	ditto 23 June 1836 -	-	-	-	-	25 July	26 10	-
Credit, 2d R.	George Garnett	-	ditto	-	ditto	ditto - ditto -	-	-	-	-	ditto	10 10	-
	Alexander Dixon	-	ditto	-	ditto	ditto - ditto -	-	-	-	-	27 July	27	-
	Anthony B. Hawke	-	ditto	-	ditto	ditto 27 June 1836 -	-	-	-	-	ditto	14 10	-
	George Walton	-	ditto	-	ditto	ditto - ditto -	-	-	-	-	-	-	-
	John King	-	ditto	-	ditto	O. C., 29 April 1824	30 April 1824	-	-	Sett. duty and fees	4 April	-	-
Adjala -	William Reilly	-	{ Settler reg., 6 July 1804 -	-	100	- ditto -	ditto	-	-	ditto -	ditto	-	-
	John Reilly	-	ditto - ditto -	-	ditto	- 23 June 1824	21 July 1824	-	-	ditto -	14 June	-	-
	James Curry	-	ditto 31 Jan. 1824	-	ditto	- 2 Mar. 1825	11 Dec. 1833 -	-	-	(in addition) -	16 -	-	-
	Jacob Snider	-	ditto	-	ditto	- 3 Oct. 1833	17 Nov. 1835 -	-	-	Res. on grant 3 years	30 May	-	-
	Martha Duff, widow of	-	discharged soldier -	-	ditto	- 15 May 1835	30 Mar. 1836 -	-	-	-	10 -	-	-
	Henry Shannan	-	S. U. E.	-	200	- ditto -	ditto	-	-	-	ditto.	-	-
	James Field	-	ditto	-	ditto	- 3 Nov. 1831	25 April 1832 -	-	-	-	14 June	-	-
	Charlotte S. Evans	-	ditto	-	ditto	- 3 May -	10 May	-	-	-	21 -	-	-
	Margaret Brown	-	ditto	-	ditto	{ Cert. A. G. M., 8 May 1821. -	4 Mar. 1836 -	-	-	-	8 April	-	-
Collingwood -	Abraham Hill	-	Militia	-	100	- ditto -	6 Feb. -	-	-	-	ditto.	-	-
	John Gordon	-	ditto	-	ditto	ditto 8 March 1836 -	11 Mar. -	-	-	-	15 April	-	-
	William Hendijhaut	-	ditto	-	ditto	- ditto -	ditto	-	-	-	ditto.	-	-
	Joseph Bink	-	ditto	-	ditto	- ditto -	ditto	-	-	-	ditto.	-	-
	Justus Hubbell	-	ditto	-	ditto	ditto 3 March 1836	22 Mar. 1836 -	-	-	-	ditto.	-	-
	Samuel Peterson	-	ditto	-	ditto	ditto 26 Jan. -	ditto	-	-	-	ditto.	-	-
	William Anderson	-	ditto	-	ditto	ditto filed 10 Mar. -	11 Mar. 1836 -	-	-	-	ditto.	-	-
	Hiram Kilborn	-	ditto	-	ditto	O. C., 10 Oct. 1834	17 June 1835 -	-	-	-	8 April	-	-
	Nathaniel Hill	-	S. U. E.	-	200	- 10 Mar. -	20 Mar. 1836 -	-	-	-	9 -	-	-
	Calvin Dafoe	-	ditto	-	ditto	- 6 Dec. 1832	29 Mar. -	-	-	-	15 -	-	-
	Andrew Crowder	-	ditto	-	ditto	- 16 May 1818	14 Mar. -	-	-	-	ditto.	-	-
	Hannah Ansley	-	ditto	-	ditto	- 3 Mar. 1836	ditto	-	-	-	ditto.	-	-
	Catherine Garrison	-	ditto	-	ditto	- 9 May 1834	30 Mar. 1836 -	-	-	-	ditto.	-	-
	William Hollister	-	ditto	-	ditto	- 3 Mar. 1835	22 Mar. -	-	-	-	ditto.	-	-
	Edward C. Bell	-	ditto	-	ditto	- 24 Mar. 1835	ditto	-	-	-	ditto.	-	-
	Charlotte C. Vandro- zen.	-	ditto	-	ditto	- 4 Dec. 1834	21 Mar. 1836 -	-	-	-	ditto.	-	-
	Luke Miller	-	ditto	-	ditto	- ditto -	ditto	-	-	-	ditto.	-	-
	Justus Miller.	-	ditto	-	ditto	-	-	-	-	-	-	-	-

Simcoe

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3.—Descriptions for Grants of Land, Upper Canada—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
HOME—cont'd.									£. s. d.	
Simcoe—cont'd.	Collingwood—continued.	Ann Eliza Lenox	D. U. E.	200	O. C., 4 Sept. 1834	19 Mar. 1836	-	1836:		
		John Jameson	Dis. artificer	ditto	— 8 Jan. 1835	29 Jan. -	-	22 April		
		Abraham de Cow	Militia	100	Cert. A. G. M., 19 June 1820.	11 Mar. -	-	31 May		
		Andrew Davison	ditto	ditto	ditto - 29 Mar. 1820	8 Jan. 1834	-	10 -		
		Sidney S. Hamilton	S. U. E.	200	ditto - 17 Mar. 1836	25 Mar. 1836	-	31 -		
		Henry James Castle	C. L. sale	15	Cert. C. C. L., 18 June 1836.	- - -	-	10 -		
		James M. Dolson	Dis. artificer	200	O. C., 2 Oct. 1834	15 April 1836	-	20 June	3 18 9	
		Anthony Gouin	ditto	ditto	— 6 Nov. -	30 Mar. -	-	ditto.		
		Charles Wilkes	ditto	ditto	- ditto -	ditto -	-	ditto.		
		William Morden	ditto	ditto	- ditto -	15 April 1836	-	ditto.		
		Augustus Bezer	ditto	ditto	- ditto -	6 April -	-	ditto.		
		John Pettit	Militia	100	Cert. A. G. M., 2 May 1820.	26 May -	-	ditto.		
		Samuel Winterbottom	ditto	ditto	filed 16 May 1836	19 May -	-	ditto.		
		Jacob Sharp	ditto	ditto	5 Feb. 1836	11 April -	-	ditto.		
		Gilbert G. Sharp	ditto	200	- ditto -	6 April -	-	ditto.		
		David Sager	ditto	500	24 March 1836	8 April -	-	ditto.		
		William Wees	S. U. E.	200	3 March -	13 April -	-	ditto.		
		James Johnson	ditto	ditto	10 March 1834	27 April -	-	ditto.		
		Robert Lynburner	ditto	ditto	4 Feb. 1836	6 April -	-	ditto.		
		Alex. Wintermute	ditto	ditto	20 Oct. 1832	ditto -	-	ditto.		
		Abraham Wintermute	ditto	ditto	4 July 1833	ditto -	-	ditto.		
		Andrew Rusk, jun.	ditto	ditto	4 Feb. 1836	13 April -	-	ditto.		
		Margaret Scholfield	ditto	ditto	21 Dec. 1825	8 April -	-	ditto.		
		Daniel Palmer	ditto	ditto	17 March 1836	15 April -	-	ditto.		
		Anthony Crowder	ditto	ditto	21 Dec. 1824	21 April -	-	ditto.		
		Eliza Thomas	ditto	ditto	8 Nov. 1833	12 Mar. 1834	-	ditto.		
		Julia Ann Pruner	ditto	ditto	28 Oct. -	30 Mar. -	-	ditto.		
		Elizabeth Carscallen	ditto	ditto	2 Jan. -	12 Mar. -	-	ditto.		
		Catherine Weagant	ditto	ditto	19 Dec. -	ditto -	-	ditto.		
		William H. Fraser	ditto	ditto	9 May 1828	ditto -	-	ditto.		
		John White	ditto	ditto	5 Sept. 1833	ditto -	-	ditto.		
		David Jones	ditto	ditto	4 July 1815	30 May -	-	ditto.		
		Mary May	ditto	ditto	7 March 1832	12 Mar. -	-	ditto.		
		Margaret Hamblin	ditto	ditto	13 Nov. 1818	30 May -	-	ditto.		
		Daily Sellick	ditto	ditto	28 Feb. 1833	12 Mar. -	-	ditto.		
		William Robbins	ditto	ditto	11 May 1825	30 May -	-	ditto.		
		Abigail Butler	ditto	ditto	17 July 1817	12 Mar. -	-	ditto.		

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
HOME— <i>contd.</i> Simcoe— <i>contd.</i>	Innisfil— <i>contd.</i>	James Marshall	{Settle ^t regulations, 31 Jan. 1824}	100	O. C., 24 Nov. 1824	3 Jan. 1827	{Settle ^t duty and fees}	13 Jun. 1836	£. s. d.	{Pat. fee and survey paid.
		Alexander Marshall	- ditto -	ditto	- ditto -	- ditto	- ditto -	14 -	-	- ditto.
		John Wilson	- ditto -	ditto	- 26 Oct. 1825 -	9 Oct. 1828	- ditto -	25 -	-	- ditto.
		George Closkey	- ditto -	ditto	- ditto -	6 Nov. 1827	- ditto -	-	-	- ditto.
		Canada Company	- ditto -	-	- 4 Feb. 1836 -	-	-	5 May -	-	-
		Robert Miller	{Settle ^t regulations, 6 July 1804}	ditto	- 17 Nov. 1819 -	30 Mar. 1820	{Settle ^t duty and fees}	28 July -	-	{Settle ^t duty and fees.
	Mara	Ogden Creighton	Capt. 81 reg.	809	- 13 June 1831 -	5 Dec. 1831	{Reside in colony two years & S. D.}	17 Jun. -	-	-
		Hugh McCracken	Militia	100	{Cert. A. G. M., filed 9 Mar. 1836}	18 Mar. 1836	-	8 -	-	-
		William McLaughlin	- ditto -	ditto	2 Aug. 1834	-	-	- ditto.	-	-
		Henry Schwartzfager	- ditto -	ditto	filed 14 Mar. 1836	-	-	- ditto.	-	-
		Joseph Pomaville	- ditto -	ditto	- 17 -	-	-	- ditto.	-	-
		Baptiste Legore	- ditto -	ditto	- 9 -	-	-	- ditto.	-	-
		John McKenzie	- ditto -	500	- 11 Mar. -	15 Apr. -	-	14 Jun. -	-	-
		Henry Shaver	- ditto -	100	- 29 Apr. -	13 May -	-	21 -	-	-
		John Dillabough	- ditto -	ditto	- 13 May -	ditto -	-	- ditto.	-	-
		Jacob Garlock	- ditto -	ditto	- ditto -	ditto -	-	- ditto.	-	-
		Alex. Cameron	S. U. E.	200	O. C., 22 May 1832	14 May -	-	14 Jun. -	-	-
		Henry Ullman	ditto	ditto	- 3 Dec. 1835 -	13 -	-	21 -	-	-
		Philip Sharp	ditto	ditto	- 3 Mar. 1836 -	ditto -	-	- ditto.	-	-
		Michael Sharp	ditto	ditto	- ditto -	ditto -	-	- ditto.	-	-
		Jane Runion	ditto	ditto	- 26 Mar. 1836 -	ditto -	-	- ditto.	-	-
		Mary Waggoner	ditto	ditto	- 17 -	26 Mar. -	-	- ditto.	-	-
		Rose Ann Turdel	ditto	ditto	- 19 -	16 May -	-	- ditto.	-	-
		Abraham Sheets	ditto	ditto	- 3 Mar. -	13 -	-	- ditto.	-	-

SALE OF LANDS IN UPPER CANADA.

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(continued)

McDonte	William Archer	-	Dis. soldier	-	100	-	23 July 1832	-	Aug. 1832	-	{Reside on grant three years - }	8 Apr. -
	John Brenner	-	- ditto	-	ditto	-	19 Mar. 1836	-	By agent, 1832	-	- ditto	- ditto
	Joseph Butcher	-	- ditto	-	200	-	21 June 1832	-	Aug. 1832	-	- ditto	- ditto
	Duncan M'Arthur	-	S. U. E.	-	200	-	4 Sept. 1834	-	22 Jan. 1836	-	-	- ditto
	Alex. M'Gregor	-	- ditto	-	ditto	-	8 Dec. 1835	-	21 -	-	-	- ditto
	John M'Closkey	-	Dis. serjeant	-	ditto	-	7 July 1831	-	1 Dec. 1832	-	{Reside on grant three years - }	1 Jun. -
	John Carthew	-	Lieut. R. N.	-	500	-	2 Aug. 1832	-	25 July 1834	-	{Reside in colony two years & S. D. }	6 -
	John Seal	-	Dis. soldier	-	100	-	28 Sept.	-	1 Oct. 1832	-	{Reside on grant three years - }	8 -
	Joseph Cockburn	-	Dis. serjeant	-	200	-	12 June	-	Aug. 1832	-	- ditto	- ditto
	Timothy Renan	-	Dis. soldier	-	100	-	5 July	-	1832	-	- ditto	- ditto
	Conway Bunton	-	- ditto	-	100	-	28 June	-	Nov. 1832	-	- ditto	- 10 Jun. -
	John Bell	-	Dis. serjeant	-	200	-	23 July 1832	-	1832	-	- ditto	- ditto
	Neil Lawler	-	Dis. soldier	-	100	-	28 June	-	ditto	-	- ditto	- ditto
	Thomas Quail	-	- ditto	-	ditto	-	19 -	-	ditto	-	- ditto	- ditto
	John Tearing	-	- ditto	-	ditto	-	21 -	-	ditto	-	- ditto	- ditto
	Thomas Kelly	-	- ditto	-	ditto	-	23 July	-	July 1832	-	- ditto	- ditto
	John Fullarton	-	- ditto	-	ditto	-	12 June	-	Agt.	-	- ditto	- ditto
	John Whelan	-	- ditto	-	ditto	-	23 July	-	19 July 1832	-	- ditto	- ditto
	John Jameson	-	- ditto	-	ditto	-	12 June	-	Agt., July 1832	-	- ditto	- ditto
	James Fox	-	- ditto	-	ditto	-	23 July	-	July 1832	-	- ditto	- ditto
	Jethro' Robins	-	- ditto	-	ditto	-	27 June 1833	-	June 1833	-	- ditto	- ditto
	Samuel Cowan	-	- ditto	-	ditto	-	23 July 1832	-	July 1832	-	- ditto	- ditto
	Samuel M'Clure	-	- ditto	-	ditto	-	11 Sept.	-	10 Sept. 1832	-	- ditto	- ditto
	Justus Rutherford	-	Dis. serjeant	-	200	-	28 -	-	1 Oct. 1832	-	- ditto	- ditto
	Patrick O. Donald	-	Dis. soldier	-	100	-	21 Jan. 1832	-	Agt., 1832	-	- ditto	- ditto
	Charles Fitzgerald	-	- ditto	-	ditto	-	28 June	-	ditto	-	- ditto	- ditto
	John Bailey	-	Dis. serjeant	-	200	-	8 -	-	ditto	-	- ditto	- ditto
	Richard Brinmead	-	Dis. soldier	-	100	-	ditto	-	ditto	-	- ditto	- ditto
	Jeremiah Reardon	-	- ditto	-	ditto	-	5 July	-	ditto	-	- ditto	- ditto
	George Walker	-	- ditto	-	ditto	-	ditto	-	ditto	-	- ditto	- ditto

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3.—Descriptions for Grants of Land, Upper Canada—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
HOME—cont'd. Simcoe—cont'd.	Medonte— continued.	Thos. McCondra	Dis. soldier	100	O. C., 28 June 1832	Agst., 1832	-	1836: 13 June		
		George Alibone	- ditto	ditto	21 -	- ditto	-	13		
		Jane Lucy (widow)	- ditto	ditto	28 -	27 Oct. 1831	-	17		
		George McKay	- ditto	ditto	7 July 1831	28 April 1836	-	20		
		William Gault	Dis. interpreter	200	6 Feb. 1830	August 1832	-	20		
		William Ross	Dis. serjeant	200	23 July 1832	July -	-	20		
		Samuel French	Dis. soldier	100	5 -	Sept. -	-	20		
		John Hynes	- ditto	ditto	23 -	July 1833	-	21		
		William Watt	- ditto	ditto	25 July 1833	July 1832	-	21		
		Andrew Kinghorn	- ditto	ditto	28 June 1832	18 Aug. 1832	-	21		
		John Byrnes	Dis. serjeant	200	28 July 1833	July 1832	-	21		
		George Moore	Dis. soldier	100	23 July 1832	June -	-	24		
		James Ferguson	- ditto	100	12 June -	July -	-	29		
		Joseph Evans	- ditto	100	23 July -	2 Aug. 1833	-	8		
		Grimes Moorhead	- ditto	100	6 Sept. -	23 Feb. 1835	-	8		
		Jacob Powell	Militia	200	{ Cert. A. G. M., 3 May 1821	23 Feb. 1834	ditto	7 July		
		Charlotte Dowsley	D. U. E.	200	O. C., 7 Aug. 1828	20 Aug. 1832	-	18		
		Joseph Williams	Dis. soldier	100	28 June 1832	- ditto	-	18		
		James Burnfield	Dis. serjeant	200	24 Jan. 1833	18 Feb. 1833	-	29		
		John Taylor	Militia	500	{ Cert. A. G. M., 28 June 1833	8 Mar. 1836	ditto	24		
		Robert Young	S. U. E.	200	O. C., 29 Sept. 1824	16 April -	-	-		
	Melancthon	Eleanor Logan	D. U. E.	200	10 May 1834	11 April -	-	12 April		
		William Spencer	Militia	100	{ Cert. A. G. M., 26 Dec. 1834	26 Dec. 1834	-	8 June		
		Caleb Swazey	- ditto	ditto	ditto, 18 Jan. 1834	22 May -	-	8		
		James Falconer, jun.	S. U. E.	200	O. C., 3 Dec. 1829	23 Mar. 1832	-	8		
		Daniel Wright	- ditto	ditto	7 June 1826	8 Mar. 1836	-	8		
		James Hare	- ditto	ditto	29 Apr. 1824	1 June -	-	24		
	Mono	George G. Hilts	Militia	100	{ Cert. A. G. M., 19 Sept. 1820	30 Dec. 1823	-	May		
		Hugh Mullogue	Dis. soldier	ditto	O. C., 7 Apr. 1831	12 Dec. 1832	-	6 June		
		Francis McLaughlin	Settle ^t regulations, 31 January 1824.	ditto	18 Aug. 1824	19 Aug. 1824	-	13		- Pat. fee and survey paid.

SALE OF LANDS IN UPPER CANADA.

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Municipality	Name	Militia	Acres	Date of Sale	Certificate No.	Date of Certificate	Pat. fee and survey paid.	Date of Sale	Date of Certificate
Muhur	William Caldwell	Militia	600	-	{ Cert. A. G. M., 9 } Sept. 1820	14 Mar. 1832	-	-	4 April
	William Atkinson	-	200	-	{ Cert. A. G. M., 11 } July 1835	18 Mar. 1836	-	-	15 June
	Fred. Winter	Militia	100	-	ditto	18	-	-	8
	Cheseley Pitts	ditto	ditto	-	O. C., 4 Sept. 1834	8	-	-	8
	Laney Lester	D. U. E.	200	-	28 Oct. 1835	14	-	-	8
	James S. Davis	ditto	200	-	7 Dec. 1825	21 Jan. 1826	-	-	8
	John House, jun.	ditto	200	-	-	-	-	-	-
	Francis Pollard	Militia	100	-	{ Cert. A. G. M., filed } 4 March 1836	22 Mar. 1836	-	-	15 April
	John Dorchiner	ditto	ditto	-	ditto, 22 May 1820	26 May 1820	-	-	15
	Erastus Jackson	S. U. E.	200	-	O. C., 4 Dec. 1834	11 Mar. 1836	-	-	15
Nottawasaga	Abraham Bowman, jun.	ditto	ditto	-	7 Dec. 1825	22	-	-	15
	Geo. Adam Bowman	ditto	ditto	-	8	22	-	-	15
	Henry Seneibaugh	ditto	ditto	-	28 Mar.	22	-	-	15
	Henry Gillmore	ditto	ditto	-	8 Dec.	22	-	-	15
	Thomas Hunt	ditto	ditto	-	7 Aug. 1834	22	-	-	15
	Elizabeth Snure	ditto	ditto	-	25 July 1833	22	-	-	15
	Margaret Thompson	ditto	ditto	-	1 May 1834	22	-	-	15
	Lewis Hunt	ditto	ditto	-	7 Aug.	22	-	-	15
	Margaret Rutlan	ditto	ditto	-	28 Oct. 1835	22	-	-	15
	James M-Micking	ditto	ditto	-	15 May	22	-	-	15
	Chris. Seneibaugh, jun.	ditto	ditto	-	28 Mar.	22	-	-	15
	Jacob Bowman	ditto	ditto	-	8 Dec.	22	-	-	15
	Sarah Ann Seneibaugh	ditto	ditto	-	28 Mar.	22	-	-	15
	Anna Horshall	ditto	ditto	-	17 July 1817	21	-	-	15
	Benjamin Middaugh	ditto	ditto	-	11 Feb. 1836	22	-	-	15
	Philip Bowman	ditto	ditto	-	8 Dec. 1835	22	-	-	15
	Ralph B. Lindsay	ditto	ditto	-	4 Dec. 1834	11	-	-	15
	William Gillmore	ditto	ditto	-	28 Feb. 1829	22	-	-	15
	Cornelius Platto	ditto	ditto	-	24 Mar. 1835	22	-	-	15
	Abraham Leslie	Dis. artificeer	ditto	-	26 Dec. 1834	11	-	-	11 May
	Bogert Walton	ditto	ditto	-	6 Nov.	11	-	-	11
	Cornelius Buckner	ditto	ditto	-	ditto	11	-	-	11
	John Lane	Militia	100	-	{ Cert. A. G. M., 11 } Apr. 1836	5 May	-	-	8
	Adam Miller	ditto	ditto	-	ditto, 5 May 1831	11 Mar.	-	-	8
	George Lane	ditto	ditto	-	O. C., 19 June 1820	11	-	-	8
	Abner Decow	ditto	ditto	-	7 May 1821	11	-	-	10
	Stephen Carlough	ditto	ditto	-	2 Aug. 1834	22	-	-	11
	Peter Primer	ditto	ditto	-	25 Oct.	28 Oct. 1834	-	-	11
	Jehiel H. Phillips	ditto	200	-	26 Mar. 1836	28 Mar. 1836	-	-	11
	Jacob H. Meekley	ditto	ditto	-	-	March	-	-	11

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3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
HOME— <i>cont'd.</i> Simcoe— <i>cont'd.</i>	Nottawasaga— <i>continued.</i>	Stephen Jones	Militia	500	O C., 28 Mar. 1836	28 Mar. 1836	-	1836: 11 May	£. s. d.	
		David D. Jones	ditto	100	- ditto	28	-	11		
		Henry Dopp	ditto	ditto	- ditto	28	-	11		
		Joseph Barton	ditto	ditto	- ditto	28	-	11		
		Joseph Bundage	ditto	ditto	- ditto	28	-	11		
		John Griffin	ditto	ditto	11 March 1836	11	-	11		
		George Eligh	ditto	ditto	22 March	22	-	11		
		Bartine Collett	ditto	ditto	- ditto	22	-	11		
		John Cain, jun.	ditto	ditto	17 Oct. 1835	11	-	11		
		John Van Allen	ditto	ditto	22 Aug. 1834	22	-	11		
		Arnon Stodert	ditto	ditto	16 Oct. 1835	16	-	11		
		Peter Staats	ditto	ditto	- ditto	16	-	11		
		Richard Bulliss	ditto	ditto	22 March 1835	22	-	11		
		John Walker	ditto	ditto	- ditto	22	-	11		
		Fred. Ondercurk	ditto	ditto	6 Feb. 1834	22	-	11		
		Garret Marsailles	ditto	ditto	2 Aug.	22	-	11		
		James O'Brien	ditto	ditto	- ditto	22	-	11		
		Stephen Hunt	ditto	ditto	- ditto	22	-	11		
		Joseph Helmer	ditto	ditto	- ditto	22	-	11		
		Peter Marsalis	ditto	ditto	- ditto	22	-	11		
		Hiram Young	ditto	ditto	21 May 1820	28	-	11		
		Gaspar Berkely	ditto	ditto	8 Aug. 1834	22	-	11		
		David Park	ditto	ditto	8 March 1836	8	-	11		
		David L. Turner	ditto	ditto	18 March	28	-	11		
		Conrad Trymire	ditto	ditto	{ Cert. A. G. M., 2 Aug. 1834.	22	None	11		
		Peter Holmes	ditto	ditto	filed 9 March 1836	22	ditto	11		

SALE OF LANDS IN UPPER CANADA.

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(continued)

Isaiah Griffin -	ditto -	ditto	ditto 11 March -	11 -	-	ditto -	-	11 -
Jacob Carnes -	ditto -	ditto	ditto 16 March -	22 -	-	ditto -	-	11 -
Randell Smith -	S. U. E.	200	O. C., 27 Nov. 1834	11 -	-	ditto -	-	10 -
Alfred Cronkheit	ditto -	ditto	- 29 Sept. -	21 -	-	ditto -	-	10 -
Lucius Lindsay	ditto -	ditto	- 27 Nov. -	6 May	-	ditto -	-	10 -
Mark Jackson -	ditto -	ditto	- 4 Dec. -	11 Mar.	-	ditto -	-	10 -
Hannah McLean	ditto -	ditto	- 7 May 1828	21 -	-	ditto -	-	10 -
Margaret Werely	ditto -	ditto	- 28 Oct. 1835	22 -	-	ditto -	-	10 -
Devinah Tinkes	ditto -	ditto	- ditto -	22 -	-	ditto -	-	10 -
Huldah Wood -	ditto -	ditto	- 13 June 1818	11 -	-	ditto -	-	10 -
Paulina Kawn -	ditto -	ditto	- 28 Oct. 1835	22 -	-	ditto -	-	10 -
Ruth Brown -	ditto -	ditto	- 3 Mar. 1836	22 -	-	ditto -	-	10 -
John Smyth -	C. L. sale	ditto	{ Cert. C. C. L., 7 June 1836. }	-	-	-	-	13 June -
Peregrine Warren	-	700	O. C., 18 July 1834	29 -	-	- Res. in colony 2 yrs. and S. D.	-	10 -
Aaron Caldwell	Dis. artificer	200	- 27 Nov. -	28 -	-	- none -	-	20 -
William Black -	Militia	100	{ Cert. A. G. M., filed 12 May 1836. }	12 May	-	ditto -	-	20 -
Samuel Morey -	ditto -	ditto	- ditto -	12 -	-	ditto -	-	20 -
Calvin Throop -	ditto -	ditto	- ditto -	12 -	-	ditto -	-	20 -
William Vanarnam	ditto -	ditto	- ditto -	12 -	-	ditto -	-	20 -
David Gilman -	ditto -	ditto	- ditto -	12 -	-	ditto -	-	29 July
John B. Bertrand	Dis. artificer	200	O. C., 5 Feb. 1835	12 Sept. 1835	-	ditto -	-	20 -
Jesse Montgomery	S. U. E.	ditto	- 28 Feb. 1833	13 Mar. 1834	-	ditto -	-	20 -
Archbld. Montgomery	ditto -	ditto	- ditto -	13 -	-	ditto -	-	20 -
Elizabeth Wright	ditto -	ditto	- 7 Mar. -	13 -	-	ditto -	-	20 -
Margaret Hanes	ditto -	ditto	- 28 Feb. -	13 -	-	ditto -	-	20 -
Peter Moore -	ditto -	ditto	- 28 Mar. -	13 -	-	ditto -	-	20 -
Olive Daily -	ditto -	ditto	- 28 Feb. -	13 -	-	ditto -	-	20 -
William Moore	ditto -	ditto	- ditto -	13 -	-	ditto -	-	20 -
John Spencer -	ditto -	ditto	- 17 Feb. 1816	13 -	-	ditto -	-	20 -
Peter Hunter -	ditto -	ditto	- 28 Feb. 1833	13 -	-	ditto -	-	20 -

ORDERS IN COUNCIL RELATING TO THE

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
HOME—cont'd. Simcoe—cont'd.	Nottawasaga— continued.	Margaret Sly -	S. U. E.	200	O. C., 23 July 1833	13 Mar. 1834	none	1836 :	£. s. d.	
		Jacob Stoneberger -	ditto	ditto	20 May 1817	14 -	ditto	20 July		
		Elizabeth Dulmage -	ditto	ditto	25 Jan. 1834	14 -	ditto	20 -		
		Joseph Sellick -	ditto	ditto	28 Oct. 1833	14 -	ditto	20 -		
		Mary Harkins -	ditto	ditto	15 Dec. 1832	13 -	ditto	20 -		
		John Stoneburner -	ditto	ditto	26 Mar. 1817	14 -	ditto	20 -		
		Elias Cook -	ditto	ditto	28 Feb. 1833	13 -	ditto	20 -		
		Mary Crowder -	ditto	ditto	19 Dec. -	13 -	-	20 -		
		Hannah Alguire -	ditto	ditto	ditto	13 -	-	20 -		
		Polly Pruner -	ditto	ditto	28 Oct. -	13 -	-	20 -		
		Mary E. Dixon -	ditto	ditto	5 Nov. 1818	13 -	-	20 -		
		Conrad Sills -	ditto	ditto	18 May 1833	11 April -	-	20 -		
		Elizabeth Casselman -	ditto	ditto	28 Feb. -	13 Mar. 1836	-	29 July		
		Abraham Cook -	ditto	ditto	ditto	13 -	-	29 -		
Oro		Robert Pudney -	Dis. soldier	100	6 Sept. 1832	Sept. 1832	res. on grant 3 years	4 April		
		George Ferguson -	ditto	ditto	23 Sept. 1831	16 Sept. 1831	-	21 June		
		Matthew Smith -	ditto	ditto	24 Oct. -	-	-	21 -		
		Joseph Ellimere -	ditto	ditto	5 July 1832	-	-	21 -		
		John Hardy -	ditto	ditto	16 Aug. 1831	August 1831	-	24 -		
		William Fraser -	Dis. serjeant	200	4 -	-	-	27 -		
		Thomas Fitzgibbon -	ditto	ditto	8 June 1832	June 1832	-	29 -		
		William Kyle -	Dis. soldier	100	ditto	11 June 1832	-	30 -		
		Henry Robinson -	- Sett. regs., 6 July 1804.	200	5 May 1819	3 June 1819	sett. duty and fees	17 -		- Pat. fee and survey paid.
		George McLean -	- Sett. regs., 5 Jan. 1819.	100	28 Sept. 1820	29 Sept. 1820	-	26 -		
Orillia		Helen McDougall -	D. U. E.	200	2 July 1829	26 April 1833	-	7 April		
		Isabella Munro -	ditto	ditto	4 Sept. 1834	21 Jan. 1836	-	15 -		
		Elizabeth McKay -	ditto	ditto	8 Dec. 1835	21 -	-	15 -		
		Patrick Joice -	Dis. soldier	100	20 Oct. 1832	24 Oct. 1832	res. on grant 3 years	21 June		
		James Route -	ditto	ditto.	23 July -	-	-	21 -		
Sunnidale		Hugh Cain -	ditto	200	8 Aug. 1833	August 1833	-	21 -		
		Patrick O'Connor -	ditto	100	6 Sept. 1832	15 Sept. 1832	-	21 -		
		Joseph Crow -	Dis. artificer	200	27 June 1833	29 June 1833	-	21 -		
		Sarah Stallmayer -	D. U. E.	ditto	28 Feb. -	9 Nov. -	-	1 July		
		Jean B. Assekinack -	Interpreter	ditto	27 Oct. 1832	10 Nov. 1832	res. on grant 3 years	17 May		
Tay		David Bannister -	Dis. soldier	100	27 June 1833	June 1833	-	23 June		
		Robert Hughson -	Militia	195	A. G. M., May 1820	9 May 1820	-	8 -		

SALE OF LANDS IN UPPER CANADA.

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(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
HOME—cont ^d .								1836:	£. s. d.	
Simcoe—cont ^d .	Vispra—cont ^d .	Arch. Robertson	Dis. serjeant	200	O. C., 3 Mar. 1831	August 1833	res. on grant 3 years	20 June		
		William Daly	Dis. soldier	100	— 26 Aug. —	11 Mar. 1835	- ditto -	20 -		
		George Seadon	- ditto -	100	— 11 July 1833	6 Sept. 1833	- ditto -	20 -		
		Hugh Smith	- ditto -	100	— 1 Aug. —	3 Aug. —	- ditto -	20 -		
		John Munro	Dis. soldier	100	— 16 Aug. 1831	July 1833	- ditto -	20 -		Free.
		Thomas Foster	- ditto -	100	— 12 Sept. 1833	Sept. —	- ditto -	20 -		
		Patrick McGuire	- ditto -	100	— 27 June —	28 June 1833	- ditto -	20 -		
		Robert McGowan	- ditto -	100	— 20 Oct. 1832	24 Dec. 1832	- ditto -	21 -		
		James Monaghan	- ditto -	100	— 8 Nov. —	10 Nov. —	- ditto -	21 -		
		George Hunt	- ditto -	100	— 2 Aug. —	25 July —	- ditto -	21 -		
		James Brown	- ditto -	100	— 13 June 1833	7 Sept. 1833	- ditto -	22 -		
		John Dunn	- ditto -	100	— 23 July 1832	7 Aug. 1832	- ditto -	23 -		
		Benjamin Vint	- ditto -	100	— 1 Aug. 1833	August 1833	- ditto -	23 -		
		Margaret H. Smyth	D. U. E.	200	— 28 Jan. 1834	26 Mar. 1836	- none -	10 -		
		Maria Ferguson	- ditto -	200	— 11 Feb. 1836	9 - -	- - -	13 -		Free.
	St. Vincent	Isaac Hough	Dis. artificer	200	— 25 July 1833	6 June 1834	- none -	6 -		
		Daniel Young, jun.	S. U. E.	200	— 5 Sept. —	12 - -	- ditto -	8 -		
		Sarah Post	D. U. E.	200	— 3 April 1834	22 Aug. —	- ditto -	8 -		
		Tyrus Smith	S. U. E.	200	— 4 Sept. —	17 June 1835	- ditto -	8 July		
		Eleazer N. Smith	- ditto -	200	— - ditto -	- - ditto	- ditto -	8 -		
		Samuel Boyce	- ditto -	200	— 2 Oct. —	- - ditto	- ditto -	8 -		
	Town of Barrie	David S. Ross	C. L. sale	1 1/4	{ Cert. com. C. Lands, } 9 June 1836.	- - -	- - -	11 June -	15 5 -	
		Thomas Graham	- ditto -	1 1/4	— 20 June 1836	- - -	- - -	25 -	10 5 -	
		George A. Barber	- ditto -	1 1/4	— 28 - -	- - -	- - -	28 -	12 15 -	
	Town of Keswick.	Benjamin W. Smith	- ditto -	1	— 23 Jan. —	- - -	- - -	9 April -	16 5 -	
	Town of Penguineshine.	George Gordon	- - -	20	O. C., 7 Jan. 1836	- located by Capt. Phillpotts, R. E. about 1832.	settlement duty	10 June		
		Eustache La Garde	- - -	1 1/2	— 26 May —	ditto	- ditto -	17 -		
	Town of Kempenfeldt.	John Fullarton	C. L. S.	1	{ Cert. C. C. Lands, } 16 Feb. 1836.	- - -	- - -	10 -	10 -	
				2		- - -	- - -	10 -	10 -	

SALE OF LANDS IN UPPER CANADA.

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GORE:	Beverly	Canada Company	-	-	-	100	O. C., 4 Feb. 1836	-	-	-	-	5 May	Free.
Horton	Eramoza	Jacob Boice	-	Militia	-	100	{ Cert. A. G., 9 Sept. 1820.	6 April 1821	-	-	-	20 April	-
		Donald Gillis	-	- sett. regs., 22 Dec. 1797.	-	200	O. C., 19 Nov. 1831	1 May 1833	-	payment of fees	-	14 May	- Patent fee & survey paid.
	Erin	Julia Ann Stull	-	D. U. E.	-	200	- 17 Nov. 1830	23 Nov. 1832	-	none	-	6 April	Free.
		Robert Thompson	-	- Sett. regs., 1 Jan. 1820.	-	50	- 20 Mar. 1822	13 Sept. 1822	-	settlement duty	-	7 June	-
		Jacob Swackhammen	-	Militia	-	100	{ Cert. A. G., 8 May 1821.	10 Jan. 1823	-	none	-	24	-
		Jane Swayze	-	D. U. E.	-	200	O. C., 10 Feb. 1819	12 Nov. 1819	-	-	-	17	-
		Thomas McRory	-	- Sett. regs., 6 July 1804.	-	100	- 26 Oct. 1825	5 May 1827	-	sett. duty and fees	-	21 July	- Patent fee & Survey paid.
	Esquising	John Snider	-	Militia	-	100	{ Cert. A. G., 3 Mar. 1820.	19 Sept. 1820	-	none	-	10 June	Free.
		John Aurey	-	-	-	100	- 15 Sept. 1820	19	-	-	-	10	-
		George Will	-	-	-	100	- 3 April	4 April	-	-	-	10	-
		Thomas Joyce	-	- Sett. regs., 3 Jan. 1819.	-	100	O. C., 13 July 1819	31 Aug. 1819	-	sett. duty and fees	-	8	-
		William Killman	-	S. U. E.	-	200	- 8 Feb. 1827	10 Mar. 1827	-	none	-	10	-
		James Armstrong	-	-	-	200	- 13 June 1819	11 Sept. 1819	-	-	-	14	-
		Thomas Thomson	-	Sett. 6 July 1804	-	100	- 15 Oct.	28 Oct.	-	sett. duty and fees	-	23	-
		John Harrison	-	- ditto	-	100	- ditto	- ditto	-	-	-	23	-
		Allan Lane	-	- ditto	-	100	- 10 Mar. 1819	11 Sept.	-	-	-	24	-
		Eyra Adams	-	1 January 1820	-	200	- 1 Oct. 1823	16 Mar. 1824	-	-	-	25	-
		John Meredith	-	Militia	-	100	{ Cert. A. G., 20 Mar. 1821.	1 May 1821	-	none	-	20 July	Free.
		Isaac Tectors	-	Sett. 6 July 1804	-	100	O. C., 25 Aug. 1819	11 Sept. 1819	-	sett. duty and fees	-	20	-
		Samuel Watkins	-	- 5 Jan. 1819	-	300	- 18	3	-	-	-	20	-
		John Long	-	Dis. serjeant	-	200	- 7 Sept. 1831	12	-	res. on grant 3 years	-	20	-
Flamboro' West		Canada Company	-	-	-	100	- 4 Feb. 1836	-	-	-	-	5 May	Free.
Garrafaxa		Elizabeth Durker	-	D. U. E.	-	200	- 6 Dec. 1832	5 June 1833	-	none	-	6 April	Free.
		Henry Putman	-	S. U. E.	-	200	- 9 May 1821	7 Feb. 1824	-	-	-	8	-
		Jacob Putman	-	ditto	-	200	- 18 Feb. 1824	26	-	-	-	8	-
		David Ruttan	-	ditto	-	200	- 11 April 1833	26 Nov. 1834	-	-	-	20 May	-
		James Leman	-	Militia	-	100	{ Cert. A. G., 13 April 1821.	16 Feb. 1833	-	-	-	17 June	-

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ORDERS IN COUNCIL RELATING TO THE

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
GORE— <i>cont'd</i> Horton— <i>cont'd</i>	Garrafraxa— <i>continued</i> .	William Culp	Militia	100	Cert. A. G. 8 May 1821	16 Feb. 1833	none	1836:	f. s. d.	
		Ebenezer C. Griffin	Sett. 31 Jan. 1824	200	O. C., 31 May 1824	17 April 1824	sett. duty and fees	17 June	-	- Pat. fee and survey paid.
		Canada Company	-	400	4 Feb. 1836	-	-	17 -	-	Free.
		Peter Sipes	S. U. E.	200	27 June 1833	1 July 1833	none	20 May	-	-
	Nassagaweya	George Curry	Dis. soldier	100	5 April 1832	6 April 1832	res. on grant 3 yrs.	10 June	-	- Pat. fee and survey paid.
		Thomas Bull	Sett. regs. 31 Jan. 1824	150	14 Sept. 1825	25 Oct. 1825	sett. duty and fees	14 -	-	Free.
		Edward Bull	Sett. regs. 6 July 1804	100	29 Sept. 1819	8 Aug. 1820	- ditto	29 -	-	-
		Peter Marsales, jun.	S. U. E.	200	14 Nov. 1821	27 June 1823	none	2 July	-	Free.
	Nelson	John Bull	Sett. regs. 6 July 1804	100	22 Sept. 1819	24 Dec. 1819	sett. duty and fees	29 June	-	- Pat. fee and survey paid.
		George Cowley	Dis. soldier	100	28 April 1832	1 Feb. 1834	res. on grant 3 yrs.	13 June	-	Free.
		Canada Company	In trust for Presb. church.	100	4 Feb. 1836	-	-	5 May	-	-
		Neilly Thomson and others.	-	100	8 Dec. 1835	-	-	17 June	-	Free.
	Puslinch	Ogden Creighton	Capt. 81st. regt.	200	13 June 1831	13 Nov. 1833	- res. in colony 2 yrs. and S. D.	-	-	-
		Wm. F. Mendall	Dis. soldier	100	12 June 1832	19 June 1832	res. on grant 3 yrs.	15 July	-	- Pat. fee and survey paid.
		Robert Pettit	Sett. regs. 6 July 1804	100	10 Mar. 1819	12 June 1819	sett. duty and fees	4 April	-	-
		Hugh Mason	-	100	28 July 1819	18 Aug. -	- ditto	4 -	-	Free.
Wentworth	Trafalgar	David Mason	Dis. soldier	100	3 April -	12 June -	res. on grant 3 yrs.	27 June	-	- Pat. fee and survey paid.
		Robert Walbrooke	Sett. regs. 1 Jan. 1820.	100	6 Feb. 1822	25 Feb. 1822	sett. duty and fees	16 -	-	-
		Adam Anderson	-	100	20 Oct. 1819	3 Dec. 1819	- ditto	24 -	-	ditto.
		John Russell	5 Jan. 1819	200	18 Sept. -	23 Nov. -	- ditto	24 -	-	ditto.
	Wilmot	David Cordingley	6 July 1804	100	21 April -	12 June -	- ditto	25 -	-	ditto.
		John Dempsey	-	100	18 June 1817	15 April 1822	sett. duty and fees	5 July	-	Half pat. fee
		Salome Kropp	-	50	8 Jan. 1835	-	- ditto	6 June	-	} paid.
		Fred. Musselman	-	50	-	-	- ditto	6 -	-	ditto.
	Town of Fronte	John Rocher	-	50	-	-	- ditto	6 -	-	-
		James Belyea	-	10	Cert. C. C. L. 31 Mar. 1836.	-	-	8 June	8 5	-
		Andrew Rose	Indian lease	200	O. C. 23 Dec. 1835	-	-	18 April	-	Free.
		Thomas Gadd	- ditto	112	-	-	-	18 -	-	-
	Brantford	Wm. Shackleton	- ditto	112	-	-	-	5 May	235	-
		John C. Digby	C. L. sale	191½	Cert. C. C. L. 5 May 1836.	-	-	6 May	572 10	-
		William Holme	- ditto	458	-	-	-	-	-	-

				O. C. 27 Dec. 1835	-	-	-	-	-	24 May -	-	Free.
Abraham Cook	-	Indian lease -	-	244	-	-	-	-	-	30 -	-	-
Cricina Phelps	-	ditto -	-	58	-	-	-	-	-	22 June -	103	-
George Deverell	-	C. L. sale	-	103	-	-	-	-	-	-	-	-
Wm. J. Kerr	-	ditto -	-	228	-	-	-	-	-	25 -	228	-
James Winniett	-	ditto -	-	40	-	-	-	-	-	27 -	50	-
Daniel Secord	-	Indian lease -	-	75	-	-	-	-	-	28 -	-	-
Thomas Perrin	-	ditto -	-	151	-	-	-	-	-	28 -	-	-
Andrew Cook	-	ditto -	-	102	-	-	-	-	-	28 -	-	-
Henry Gates	-	ditto -	-	107	-	-	-	-	-	28 -	-	-
Andrew Eadie	-	ditto -	-	97	-	-	-	-	-	28 -	-	-
Maria Ann and L. V. Spurr.	-	ditto -	-	83	-	-	-	-	-	30 July	-	-
Asa Osborne	-	ditto -	-	100	-	-	-	-	-	30 -	-	-
Henry Johnston	-	ditto -	-	85	-	-	-	-	-	30 -	-	-
Cornelius Vanhorn	-	ditto -	-	156	-	-	-	-	-	30 -	-	-
Abner Matthews	-	ditto -	-	38	-	-	-	-	-	19 -	-	-
Frances Pickell	-	ditto -	-	104	-	-	-	-	-	19 -	-	-
Hiram Scovell	-	ditto -	-	79	-	-	-	-	-	26 -	-	-
Eleazer F. Nickerson	-	ditto -	-	4 1/8	-	-	-	-	-	27 -	-	-
Florington F. Mighells and Cleanda Mighells.	-	ditto -	-	63	-	-	-	-	-	27 -	-	-
John Moore	-	{ Regs. prior to July } 1796	-	100	-	-	-	-	-	6 June -	-	Pat. fee paid.
William Cowell	-	ditto -	-	200	-	-	-	-	-	20 July	-	-
John Young	-	C. L. sale	-	4 7/10	-	-	-	-	-	2 April	20 10	Free.
Henry F. Fay	-	ditto -	-	10	-	-	-	-	-	28 -	23 16	6
Arcmah Huntington	-	ditto -	-	1 1/4	-	-	-	-	-	21 May -	13 10	-
George A. Clark	-	ditto -	-	1 3/10	-	-	-	-	-	31 -	10 5	-
Joseph Pilsworth	-	ditto -	-	1 1/4	-	-	-	-	-	25 June -	12	-
Benjamin Wilson	-	ditto -	-	1 1/10	-	-	-	-	-	25 -	3	-
Matthias Willson	-	ditto -	-	1 1/10	-	-	-	-	-	27 -	5	-
Rufus Houghton	-	ditto -	-	1 1/10	-	-	-	-	-	14 July -	20	-

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
NIAGARA: Haldimand	Cavuga	Israel Fogel	C. L. sale	128	{ Cert. C. C. L., 22 April 1836. }	-	-	1836: 6 June -	£. s. d. 105 12 -	Free.
		Henry Hentsburger	ditto	120	Cert. 13 June 1836	-	-	16 -	90 7 6	
		Barton Farr	ditto	8	- 22 July -	-	-	28 July -	6 - -	
		William C. Keele	Indian lease	396	O. C., 7 -	-	-	16 -	- - -	
	Canborough	Barton Farr	ditto	{ 218 366 }	- 16 June -	-	-	28 June	- - -	
		John Sanger	ditto	108	- 16 -	-	-	28 -	- - -	
		George H. Dochstader	ditto	200	- 16 -	-	-	28 -	- - -	
		Chris. Lymburner	ditto	245	- 16 -	-	-	28 -	- - -	
		George Dochstader	ditto	112	- 16 -	-	-	28 -	- - -	
		Nathaniel C. Briggs	ditto	156	- 16 -	-	-	6 July	- - -	
		William Quider	ditto	42	- 16 -	-	-	6 -	- - -	
	Moulton	Jay John Lymburner	ditto	17	- 16 -	-	-	6 -	- - -	
		Avery Burnham	ditto	71	- 16 -	-	-	13 -	- - -	
		Lyman Burnham	ditto	217	- 16 -	-	-	23 -	132 - -	
		Solomon Miner	C. L. sale	176	{ Cert. C. C. L., 9 June 1836. }	-	-	7 April	- - -	
		Robert Anderson	Indian lease	460	O. C., 27 Dec. 1835	-	-	18 -	- - -	
Lincoln	Nellis Settlement.	William Dennis	ditto	378	- 23 -	-	-	18 -	- - -	
		John Nellis	ditto	325	- 23 -	-	-	25 June	- - -	
		Richard Martin	ditto	202	- 20 June 1836	-	-	25 July	- - -	
		Archibald Vanevery	ditto	327	- 27 -	-	-	-	- - -	
	Town of Cayuga.	Stephen Fant	C. L. sale	1/4	{ Cert. C. C. L., 10 June 1836. }	-	-	13 June -	10 - -	Pat. fee paid.
		John Murray	- - Regs. prior to July 1796.	200	O. C., 9 May 1836	-	payment of fees	8 June -	- - -	

LONDON:
MIDDLESEX

1269.

George Porterfield	Adelaide	Discharged soldier	100	O. C., 10 Aug. 1832	24 Sept. 1832	1832	- residence on grant 3 years.	6 April	Free.
Henry Lockwood	-	S. U. E.	200	- 8 Dec.	19 Dec.	-	none	-	ditto.
David Lockwood	-	ditto	200	- ditto	- ditto	-	ditto	9	ditto.
Martha Miller	-	D. U. E.	200	- ditto	- ditto	-	ditto	9	ditto.
Esther Neill	-	ditto	200	- 14 April 1825	4 Sept. 1833	-	ditto	13	ditto.
George Iver	-	Discharged soldier	100	- 4 Feb. 1836	- by agent, previous to July 1834	-	res. on grant 3 years	11 May	ditto.
John Radcliff	-	Lieutenant, R. N.	400	- 28 Oct. 1833	23 Oct. 1835	-	- res. in colony 2 years and settl. duty.	11	-Free, improved since 1832.
Leslie McQuin	-	Discharged soldier	100	- 2 Aug. 1832	2 Aug.	1832	res. on grant 3 years	11	Free.
Michael Griffith	-	- ditto	100	- 6 Sept.	Sept	-	- ditto	11	ditto.
Thomas McHutcheon	-	- ditto	100	- 2 Aug.	2 Aug.	-	- ditto	31	ditto.
Hugh Fraser	-	Militia	56	{ Cert. A. G. M. 19 Oct. 1821.	22 April 1836	-	none	11	ditto.
Abijah Hawley	-	S. U. E.	200	O. C., 11 July 1833	26 July 1833	-	ditto	11	ditto.
John Cully	-	Discharged soldier	100	- 2 Aug. 1832	20 Aug.	1832	res. on grant 3 years	June	ditto.
William Bray	-	- ditto	100	- 10 Aug.	30 Aug.	-	- ditto	14	ditto.
Joseph Brady	-	- ditto	100	- 2 Aug.	6 Aug.	-	- ditto	14	ditto.
Robert Crompton	-	- ditto	100	- 23 May 1831	30 Jan.	1833	- ditto	14	ditto.
Edward Burke	-	- ditto	100	- 3 Aug. 1832	2 Aug.	1832	- ditto	14	ditto.
John Bulger	-	- ditto	100	- 2 July	23 July	-	- ditto	14	ditto.
Matthew Mangin	-	- ditto	100	- 6 Sept.	Sept.	-	- ditto	14	ditto.
James Hart	-	- ditto	100	- 10 Aug.	Aug.	-	- ditto	14	ditto.
Arthur Ross	-	- ditto	100	- 11 Sept.	11 Sept.	-	- ditto	14	ditto.
John Arthurs	-	Dis. serjeant-major	300	- 26 Aug. 1834	14 Aug.	1834	- ditto	14	ditto.
Timothy Kenna	-	Discharged soldier	100	- 23 July 1832	26 July 1832	-	- ditto	14	ditto.
Samuel Morrow	-	- ditto	100	- 2 Aug.	3 Aug.	-	- ditto	14	ditto.
Baptiste McIlwain	-	- ditto	100	- 10 Aug.	7 August	-	- ditto	14	ditto.
David McPherson	-	Dis. serjeant-major	300	- 5 Sept. 1833	25 Aug.	1833	- ditto	14	ditto.
James Dillon	-	Discharged soldier	100	- 6 Sept. 1832	17 Aug.	1832	- ditto	14	ditto.
John Keys	-	Discharged serjeant	200	- 4 Nov. 1831	- ditto -	-	- ditto	14	ditto.
William Battleham	-	Discharged soldier	100	- 18 July 1834	2 Aug.	1834	- ditto	14	ditto.
James Covers	-	- ditto	100	- 7 Aug.	9 Aug.	-	- ditto	14	ditto.
Jeremiah Baker	-	- ditto	100	- 2 Aug. 1832	27 Aug.	1832	- ditto	14	ditto.
John Smith	-	- ditto	100	- 10 Aug.	30 Aug.	-	- ditto	14	ditto.
Bernard McKenna	-	- ditto	100	- ditto	- ditto -	-	- ditto	14	ditto.
Peter McHugh	-	- ditto	100	- ditto	- ditto -	-	- ditto	14	ditto.
Hugh Carreagan	-	- ditto	100	- 2 Aug.	- ditto -	-	- ditto	14	ditto.
William Middleton	-	- ditto	100	- 10 Aug.	- ditto -	-	- ditto	14	ditto.
Emanuel Mathers	-	Discharged serjeant	200	- 2 May 1833	3 May	1833	- ditto	10	ditto.
Robert Harvey	-	Discharged soldier	100	- 12 March 1836	27 Aug.	1836	- ditto	14	ditto.
Thomas Thody	-	- ditto	100	- 2 Aug. 1832	- ditto -	-	- ditto	14	ditto.
Thomas James	-	- ditto	100	- ditto	July	-	- ditto	14	ditto.
Michael Body	-	- ditto	100	- 23 July	11 Aug.	-	- ditto	14	ditto.
James Riley	-	- ditto	100	- 6 Sept.	-	-	- ditto	14	ditto.
Robert Pegley	-	Late quarter-master	200	- 2 Aug.	-	-	- res. in colony 2 yrs. & settlement duty.	14	ditto.

(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
LONDON—cont'd. Middlesex— continued.	Adelaide (continued.)	Shepherd McCormick	Lieutenant, r. n.	200	O. C., 18 July 1833	-	-	1836: 14 June	£. s. d.	Free.
		William Ryan	Discharged soldier	100	2 Aug. 1832	3 Aug. 1832	-res. in colony 2 yrs. and settlement duty.	14	-	ditto.
		James Gibson	- ditto	100	10 Aug.	Aug.	- ditto	14	-	ditto.
		James Brown	- ditto	100	2 Aug.	- ditto	- ditto	14	-	ditto.
		Thomas Glynn	- ditto	100	- ditto	27 Aug.	- ditto	14	-	ditto.
		John Crummer	- ditto	100	10 Aug.	- ditto	- ditto	14	-	ditto.
		Henry Gee	- ditto	100	23 July	3 Sept.	- ditto	14	-	ditto.
		James Mealy	- ditto	100.	2 Aug.	27 Aug.	- ditto	14	-	ditto.
		Robert Miller	- ditto	100	23 July	3 Sept.	- ditto	14	-	ditto.
		Michael McDonough	- ditto	100	21 June	27 Aug.	- ditto	14	-	ditto.
		John Johnston	- ditto	100	2 Aug.	- ditto	- ditto	14	-	ditto.
		John Young	- ditto	100	- ditto	- ditto	- ditto	14	-	ditto.
		Patrick Campbell	Discharged serjeant	200	- ditto	- ditto	- ditto	14	-	ditto.
		James Galloway	Discharged soldier	100	10 Aug.	- ditto	- ditto	14	-	ditto.
		James Babcock	S. U. E.	200	2 June 1831	- ditto	- ditto	14	-	ditto.
		Andrew Memly	-	100	13 Aug. 1836	20 Aug. 1833	- none - in lieu of a former grant.	10	-	ditto.
		Mary Halpin, widow	Discharged soldier	100	21 Mar. 1833	10 March 1836	res. on grant 3 yrs.	16 July	-	ditto.
		Margaret Boyle	- ditto	100	- ditto	1 Feb.	- ditto	29	-	ditto.
		Peter Barkley	- Military claimants during revolutionary war.	100	6 July 1834	11 May	- none	29	-	ditto.
	Bayham	Edward Dell	- Sett. regs., 6 July 1804.	100	24 Mar. 1836	- loc. by Col. Talbot.	- settlement duty and fees.	10 May	-	- Pat. fee and survey paid.
		Henry Medcalf	- ditto	100	2 May	- ditto	- ditto	21	-	- ditto.
		Andrew Anderson	S. U. E.	200	4 May	- ditto	- none	21	-	Free, S. D. P.
		Ephraim C. Mitchell	- Settlers' regs., 6 July 1804.	200	13 June	- ditto	- settlement duty and fees.	13 June	-	- Pat. fee and survey paid.
		Canada Company	-	100	4 Feb.	-	-	5 May	-	-
		Malcolm Campbell	C. L. sale	100	{ Cert. C. C. L. 14 May 1836. O. C. 14 April 1836	-	-	1 June	62	- ditto.
	Carradoc	Stephen Raymond	- Settlers' regs., 6 July 1804.	100	4 Feb.	- loc. by Col. Talbot.	- settlement duty and fees.	1	-	-
		Canada Company	-	200	-	-	-	5 May	-	-
		William Thompson	-	640	allowed under commission in 1827	-	-	24 June	-	{ Pat. fee paid in 1808.
	Dorchester, south	Malcolm Campbell	- Sett. regs. prior to July 1796.	100	O. C., 30 Aug. 1820	2 Sept. 1820	fees	3 May	-	Pat. fee paid.
	Ekfrid	Malcolm McIntyre	- Settlers' regs. 6 July 1804.	100	14 April 1836	- loc. by Col. Talbot.	- settlement duty and fees.	17 June	-	- Pat. fee and survey paid.

SALE OF LANDS IN UPPER CANADA.

103

John	Joseph Payette	Dis. soldier	100	—	20 Oct. 1819	23 Sept.	1820	res. on grant 3 yrs.	10	June	Free.
	Albert Burdan	Militia	100	—	Cert. A. G. M. 28 July 1820	29 April	1822	none	21	—	ditto.
	Charles Carmichael	Sett. regs. 1 Jan. 1820.	100	—	O. C., 20 Sept. 1820			sett. duty and fees	14	—	- Pat. fee and survey paid.
London	John Harris	Treas. Lord. dist. 1820.	100	—	O. C., 2 Dec. 1830	loc. by Col. Talbot	1835	—	4	April	Free.
	Hugh Stevenson	Sett. regs. 6 Jan. 1804.	100	—	—			sett. duty and fees	15	—	- Pat. fee and survey paid.
	John Turner	—	100	—	—	—	—	—	15	—	ditto.
	George Mitchell	—	100	—	6 April	—	—	—	6	May	ditto.
	John Fitzgerald	—	100	—	17 March	—	—	—	24	—	ditto.
	Silas Warner	—	100	—	14 April	—	—	—	10	June	Free.
	Nelson Hartwick	Regs. 1 Jan. 1820	100	—	—	—	—	sett. duty	10	—	{ - Pat. fee and survey paid.
	James Mitchell	Regs. 6 July 1804	100	—	31 March	—	—	sett. duty and fees	10	—	ditto.
	James Pagg	—	100	—	—	—	—	—	10	—	ditto.
	Thomas Carling	—	100	—	23 May	—	—	—	10	—	ditto.
	Thos. Routledge, sen.	—	200	—	13 June	—	—	—	15	—	ditto.
	Joseph Miller	—	200	—	—	—	—	—	15	—	ditto.
	William Lumby	—	100	—	4 Feb.	—	—	—	20	—	ditto.
	James McMahon	—	100	—	9 June	—	—	—	25	—	ditto.
	William McMahon	—	200	—	7 July	—	—	—	8	July	ditto.
	George Kennedy	—	100	—	—	—	—	—	8	—	ditto.
	John Rowe	—	100	—	15 May	—	—	—	8	—	ditto.
Malahide	John Adams	—	100	—	31 March	—	—	—	15	April	ditto.
	James Martin	—	100	—	6 April	—	—	—	2	June	ditto.
	Canada Company	—	200	—	14 April	—	—	—	16	—	ditto.
Mosa	Caleb Wilcocks	—	100	—	4 Feb.	loc. by Col. Talbot	—	—	5	May	- Pat. fee and survey paid.
	James Gipson	Sett. regs. 6 July 1804.	100	—	17 March	—	—	sett. duty and fees	8	April	ditto.
	James Gibson	—	100	—	4 Feb.	—	—	—	8	—	ditto.
	George Fields	—	100	—	—	—	—	—	8	—	Free.
	Gilbert Fields	S. U. F.	200	—	—	—	—	—	8	—	ditto.
Southwold	John Phillips, jun.	—	200	—	—	—	—	—	10	May	- Pat. fee and survey paid.
	Henry Swinger	Sett. regs. 6 July 1804.	200	—	6 April	—	—	sett. duty and fees	10	—	ditto.
	Charles Harman	—	200	—	—	—	—	—	30	—	ditto.
	David Bowlby	—	200	—	12 May	—	—	—	16	June	ditto.
	Peter House	—	200	—	13 June	—	—	—	16	—	ditto.
Westminster	Canada Company	—	200	—	—	—	—	—	16	—	ditto.
	Richard Airey	—	100	—	9 June	—	—	—	5	May	—
Town of London	John Browne	School lands sale	200	—	4 Feb.	—	—	—	20	July	Free.
	Jacob Messmore	Sett. regs. 6 July 1804.	—	—	18 Feb.	loc. by Col. Talbot	—	sett. duty and fees	8	April	- Pat. fee and survey paid.
	Benjamin Schram	—	—	—	7 Jan.	—	—	—	11	—	ditto.
	Ephraim Ellsworth	—	—	—	31 March	—	—	—	13	May	ditto.
	James Goulding	—	—	—	—	—	—	—	10	June	ditto.
	James Stearns	—	—	—	—	—	—	—	10	—	ditto.
	John P. Mason	—	—	—	—	—	—	—	7	—	ditto.
	Samuel Glass	—	—	—	5 Jan. 1835	—	—	—	10	—	ditto.
		—	—	—	14 April 1835	—	—	—	10	—	ditto.

(continued)

ORDERS IN COUNCIL RELATING TO THE

3.—Descriptions for Grants of Land, Upper Canada—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description Issued.	Purchase Money.	Fees.
LONDON—continued. Middlesex— continued.	Town of London (continued.)	Finlay McDonald	Sett. regs., 6 July 1804	1 1/2	O. C., 14 April 1836	loc. by Col. Talbot	sett. duty and fees	1836: 10 June	£. s. d.	- Pat fee and survey paid.
		Charles J. Brady	- ditto -	1 1/2	- 13 June -	- ditto -	- ditto -	15	-	ditto.
		William A. Park	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		Michael Burke	- ditto -	1 1/2	- 16 June -	- ditto -	- ditto -	16	-	ditto.
		Isaac Carling	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		Peter Rogers	- ditto -	1 1/2	- 20 June -	- ditto -	- ditto -	21	-	ditto.
		Hugh McNeal	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		Robert Fennel	- ditto -	1 1/2	- 25 June -	- ditto -	- ditto -	ditto	-	ditto.
		Christian Williams	- ditto -	1 1/2	- 20 June -	- ditto -	- ditto -	ditto	-	ditto.
		John O'Brien	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		Samuel Davant	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		Edward Raymond	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		Edward Matthews	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		William Snell	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		John Douglas	- ditto -	1 1/2	- ditto -	- ditto -	- ditto -	ditto	-	ditto.
		William Sherman	- ditto -	1 1/2	- 13 June -	- ditto -	- ditto -	ditto	-	ditto.
		Lewis Merrill	- ditto -	1 1/2	- 23 July -	- ditto -	- ditto -	ditto	-	ditto.
		Thomas Cronyn	- ditto -	1 1/2	- 28 July -	- ditto -	- ditto -	26 July	-	ditto.
Norfolk -	Charlotteville	Canada Company	-	200	O. C., 4 Feb. 1836	-	-	29	-	ditto.
	Houghton	John Overholt	Sett. regs., 6 July 1804	200	- 26 May 1836	loc. by Col. Talbot	sett. duty and fees	5 May	-	ditto.
	Townsend	Canada Company	-	100	- 4 Feb. -	-	-	13 June	-	
	Windham	Canada Company	-	200	- ditto -	-	-	5 May	-	
	Woodhouse	Canada Company	-	400	- ditto -	-	-	ditto.	-	
		Robert Waddle, jun.	C. R. S.	150	{ Cert. C. C. L. 2 April 1836. }	-	-	13 April	112 10	-
		William White	-	100	Claim allowed under com. July 1834	-	-	11	-	-
Oxford -	Blandford	Henry Vansittart	Rear-admiral, R.N.	50	O. C., 3 July 1834	10 April 1835	- res. in country 2 yrs, and sett. duty.	29	-	-
	Blenheim	Canada Company	-	300	- 4 Feb. 1836	-	-	5 May	-	Free.
	Burford	Canada Company	-	200	- ditto -	-	-	ditto.	-	ditto.
	Dereham	Canada Company	-	300	- ditto -	-	-	ditto.	-	ditto.
	Nissouri	James May	Militia	100	{ Cert. A. G. M. 23 May 1820. }	1 June 1820	none	10 May	-	-
		Catherine Schram	D. U. E.	200	{ O. C., 10 May 1817 Cert. A. G. M. 29 Sept. 1820 }	29 Jan.	ditto	ditto	-	-
		Daniel Cudness	Militia	100	ditto	3 Oct.	ditto	10 June	-	-
		William Horton	- ditto -	100	ditto	30 May	ditto	16	-	ditto.
		Clarinda Gilmore	D. U. E.	200	O. C., 20 May 1817	11 June	ditto	10	-	ditto.
		Colin McNeel	Sett. regs., 6 July 1804	100	- 20 Oct. 1819	14 Jan.	sett. duty and fees	11 July	-	- Pat. fee and survey paid.

Norwich	Ebenezer Titus	-	-	1 Jan. 1820	100	-	12 Jan. 1820	1 March	-	-	ditto.	45	-	Free.
	James Gilland	-	C. R. Sale	-	100	-	{ Cert. C. C. L., 4 May 1836.	-	-	-	16 June	-	-	ditto.
Oxford, East	James Holmes	-	-	ditto	100	-	ditto 11 Feb. 1836	-	-	-	ditto	70	-	ditto.
	Canada Company	-	-	-	100	-	O. C., 4 Feb.	-	-	-	5 May	-	-	ditto.
	Henry Vansittart	-	Rear-admiral, R.N.	-	200	-	- 3 July 1834	10 April 1835	-	-	29 April	-	-	ditto.
Oxford, West	Canada Company	-	-	-	200	-	-	-	-	-	5 May	-	-	ditto.
	Stullson Hackett	-	C. L. sale	-	100	-	{ Cert. C. C. L., 12 Feb. 1836.	-	-	-	16 June	62 10	-	ditto.
Torra	Rev. W. Betteridge	-	Lt. 81 reg.	-	169	-	O. C., 27 Nov. 1834	21 May 1835	-	-	23 April	-	-	ditto
	Donald Sutherland	-	Dis. soldier	-	100	-	- 10 Aug. 1832	2 July 1834	-	-	21 June	-	-	ditto.
Town of Woodstock.	John Ross	-	-	ditto	100	-	-	27 June 1834	-	-	ditto	-	-	ditto.
	James Fraser	-	-	ditto	100	-	- 1 Aug. 1833	15 Nov.	-	-	ditto	-	-	ditto.
	Robert Sutherland	-	-	ditto	100	-	- 3 July 1834	26 Dec.	-	-	ditto	-	-	ditto.
	John Murray	-	-	ditto	100	-	-	22 Nov.	-	-	ditto	-	-	ditto.
	Canada Company	-	-	ditto	100	-	- 8 Aug. 1833	-	-	-	5 May	-	-	ditto.
	Mary Hallock	-	As compensation	-	2	-	- 4 Feb. 1836	-	-	-	23 April	-	-	ditto.
	Rev. W. Betteridge	-	- Asan endowmen for rectory.	-	29	-	- 27 Nov. 1834	-	-	-	27 May	-	-	ditto.
	Abraham Ludworth	-	-	-	1	-	- 12 May 1836	-	-	-	28	-	-	ditto.
	William Clarke	-	-	-	1	-	- ditto	-	-	-	ditto	-	-	ditto.
	Nathaniel Hill	-	-	-	1	-	- ditto	-	-	-	27	-	-	ditto.
Colborne Downie & Gore Easthope, S. Easthope, N. Ellice Fullarton Hay Hibbert Hullet Logan M-Gillivray M-Killop Stanley Stephen Tucker Smith Colchester	Canada Company	-	-	-	11,482	-	- 4 Feb. 1836	-	-	-	5 May	-	-	ditto.
	- ditto	-	-	-	9,594	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	10,963	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	29,768	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	7,900	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	6,000	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	11,406	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	6,000	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	27,442	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	7,000	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	6,634	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	7,000	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	33,158	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	5,486	-	- ditto	-	-	-	ditto	-	-	ditto.
	- ditto	-	-	-	16,890	-	- ditto	-	-	-	ditto	-	-	ditto.
Colchester	Alexis Peltier	-	Militia	-	100	-	{ Cert. A. G. M. 6 April 1821.	6 May 1821	-	-	6 April	-	-	ditto.
	Francis Aulin	-	-	ditto	200	-	ditto - 30 Jan. 1821	19 Nov.	-	-	8	-	-	ditto.
	Thomas Rowland	-	-	ditto	100	-	ditto - 8 May 1821	9 May 1834	-	-	ditto	-	-	ditto.
	Joseph Munger	-	S. U. E.	-	200	-	O. C., 29 Sept. 1824	15 Aug.	-	-	4	-	-	ditto.
	Nathaniel Caverley	-	Dis. artificer	-	200	-	- 16 June 1834	4 July	-	-	31 May	-	-	ditto.
	William Baker	-	-	ditto	200	-	- 21 May	12 July	-	-	ditto	-	-	ditto.
	Isaac Hough	-	-	ditto	200	-	- ditto	11 July	-	-	ditto	-	-	ditto.

WESTERN:
Huron

LONDON:
Huron

WESTERN:
Essex

3.--Descriptions for Grants of Land, *Upper Canada*--continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
WESTERN--continued. Essex--cont'd.	Colchester (continued)	William Lightall	Dis. artificer	200	O. C., 30 June 1834	12 July 1834	none	1836:	£. s. d.	
		John Bl., Canadian	Militia	100	{ Cert. A. G. M., 8 May 1821 }	19 Feb. 1833	ditto	31 May		
		John Hess	ditto	100	ditto - 21 Oct. 1823	31 May 1834	ditto	10		
		Margaret Rousseaux	D. U. E.	200	O. C., 8 May 1833	4 Feb. 1836	ditto	31		
		Catharine Bilow	D. U. E.	200	-- 23 Dec. 1835	27 Feb. --	ditto	31		
		Robert Jemison	Dis. soldier	100	-- 19 Jan. 1833	28 Jan. 1833	resid. on grant 3 years	15 June		
		Thomas Ryan	ditto	100	-- ditto	-- ditto	-- ditto	17		
		William McLaughlin	Militia	100	{ Cert. A. G. M., Dec. 1833, do. filed 16 May 1836 }	24 Jan. 1834	none	20 July		
		James Moor	ditto	100	-- ditto	16 May 1836	ditto	29		
		John Jackson	ditto	100	-- ditto	-- ditto	ditto	29		
		Joseph B. Robinson	ditto	100	-- ditto	-- ditto	ditto	29		
		Thomas Brown	ditto	100	-- ditto	-- ditto	ditto	29		
		Obadiah Read	ditto	200	-- ditto	-- ditto	ditto	29		
		John Hamblin	ditto	100	{ Cert. A. G. M., filed 16 May 1836 }	-- ditto	ditto	29		
		John Allan	ditto	100	Cert. 2 Jan. 1833	31 March 1836	ditto	29		
		Catharine McLeod	D. U. E.	200	O. C., 21 Mar. 1821	24 June 1834	ditto	20		
		Henry Campbell	S. U. E.	200	-- 24 Nov. 1832	4 May 1836	ditto	20		
	Gosfield	Alexander Rose	Militia	500	{ Cert. A. G. M., 23 February 1821. }	18 Dec. 1832	ditto	4 April		
		Edward Butler	ditto	100	-- ditto	15 April 1833	ditto	4		
		Jonathan Wickware	ditto	100	ditto - 1 March 1821	29 Nov. 1832	ditto	4		
		John H. Shaver	ditto	100	ditto - 25 May 1820	-- ditto	ditto	4		
		James Weckwire	S. U. E.	200	O. C., 20 May 1817	-- ditto	ditto	4		
		John McCormick	Militia	500	{ Cert. A. G. M., 3 March 1836. }	26 March 1836	ditto	10 May		
		Timothy Sweet	S. U. E.	200	O. C., 17 March 1836	28 March --	ditto	10		
		Mercy Mann	D. U. E.	200	-- ditto	-- ditto	ditto	10		
		Lucinda Robinson	D. U. E.	200	-- ditto	-- ditto	ditto	10		
		Charlotte Sweet	D. U. E.	200	-- ditto	-- ditto	ditto	10		
		Thomas Collins	S. U. E.	200	O. C., 19 Dec. 1833	8 March 1836	ditto	10		
		Peter Schram	S. U. E.	200	-- 9 July 1817	30 March --	ditto	10		
		Jacob Ham	S. U. E.	200	-- 26 Feb. 1835	3 March 1835	ditto	29 July		
		Frederick Felker	Militia	100	{ Cert. A. G. M., filed 20 July 1835. }	13 Feb. 1836	ditto	9 April		
	Maldstone									
	Malden	Pierre Larose	ditto	100	{ Cert. A. G. M., September 1820. }	24 Jan. 1832	ditto	11		
		Hannah Clarke	D. U. E.	176	O. C., 4 Feb. 1830	4 Jan. --	ditto	20 July		

SALE OF LANDS IN UPPER CANADA.

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Mersea -	Samuel White -	Sett. regs. 6 July 1804	200	— 4 Feb. 1836	- located by Col. Talbot.	sett. duty and fees	9 April	-	- Pat. fee and survey paid.
	David White -	- ditto -	200	- ditto -	- ditto -	- ditto -	9 -	-	- ditto.
	Frederick Levi -	- ditto -	200	- ditto -	- ditto -	- ditto -	21 May	-	- ditto.
Sandwich	Joseph M'Dougall -	Crown land sale	water-lot 1	{ Fiat. A. G. 6 July 1835.	-	-	15 April	10	-
	Abraham Unsworth -	Dis. serjeant	200	{ O. C., 21 July 1831.	15 June 1833	res. on grant 3 years	8 -	-	-
	Theodore Pratt -	Militia	53	{ Cert. A. G. M. 6 April 1821.	25 Feb. 1835	none -	8 -	-	-
	Francis Pratt -	- ditto -	48	- ditto -	- ditto -	ditto -	8 -	-	-
	Luc Montreuil -	- ditto -	50	ditto - 17 Feb. 1836	- ditto -	ditto -	8 -	-	-
	Joseph La Farier -	- ditto -	200	ditto - 25 July 1834	28 March 1836	ditto -	8 -	-	-
	Thomas Duchesne -	- ditto -	58	{ Cert. A. G. M. 6 April 1821.	23 Feb. 1834	ditto -	8 -	-	-
	Bernard Souillie -	- ditto -	100	- ditto -	13 March 1835	ditto -	8 -	-	-
	Joseph Cadet -	- ditto -	100	- ditto -	14 June 1834	ditto -	10 May	-	-
	Mathias Woodley -	S. U. E.	135	O. C., 10 Oct. 1834	17 Jan. 1835	ditto -	8 April	-	-
	Francis Baly -	-	water-lot 18	Spec. O. C. 25 Feb. 1836	-	- not to obstruct the road.	14 -	-	Fees paid.
	Margaret Collins -	D. U. E.	200	O. C., 28 Feb. 1835	18 March 1835	none -	15 -	-	- Pat. fee and survey paid.
	Richard Goodbody -	- Settler regs. 31 January 1824.	200	- 24 Nov. 1824.	19 March -	sett. duty and fees	15 -	-	-
Kent	Canada Company -	- C. R. sale	100	- 4 Feb. 1836	-	-	5 May	-	-
	- Pierre Janette dit Tourneux.	-	100	Cert. C. C. L., Feb. 1836	-	-	20 April	50	-
Tilbury, East	William M'Dougald -	Sett. regs. 6 July 1804	100	O. C., 26 March 1836	- located by Col. Talbot.	sett. duty and fees	10 May	-	- Pat. fee and survey paid.
	Nicholas Brouse -	S. U. E.	200	- 27 June 1833	6 Feb. 1836	none -	11 -	-	-
	Joseph Pettingell -	S. U. E.	200	- 5 Jan. 1835	18 March -	ditto -	24 June	-	-
	Nicholas Mosher -	Militia	100	{ Cert. A. G. M. filed 10 June 1835.	13 Feb. -	ditto -	24 -	-	-
			sq. ft.						
	Madlaine Askin -	Regs. 6 July 1804	10,113	Spec. O. C., 2 June 1836	an old date -	sett. duty and fees	20 July	-	- Pat. fee and survey paid.
Town of Amherstburgh.	Francis L'Heureux -	Sett. regs. 6 July 1804	8,830	O. C., 28 Sept. 1820	19 June 1821	sett. duty and fees	11 April	-	- ditto.
Town of Sandwich.	James Beatty -	Crown land sales	1 acre	- Cert. C. C. L.; 7 May 1836.	-	-	23 May	21 2 6 and	-
			4 lots,					20 2 -	-
			1 acre					7 10 -	-
	Charles Askin -	- ditto -	each.	ditto - 22 June 1836	-	-	23 June	-	-
Bosanquet	Canada Company -	-	54,992	O. C., 4 Feb. -	-	-	5 May	-	-
Brooke -	Joseph Mills -	Militia	100	{ Cert. A. G. M. 8 May 1821.	26 June 1834	none -	14 April	-	-
	Dorothy Shaw -	D. U. E.	200	O. C., 5 Feb. 1831	24 June -	ditto -	9 -	-	-
	David Calder -	Lieut. 59th regt.	346	- 22 May 1832	7 Feb. 1835	- residence in colony 2 years, & sett. duty.	31 May	-	-
	Sophia Ross -	D. U. E.	200	- 28 March 1833	12 April 1834	none -	31 -	-	-
	Elizabeth Miller -	D. U. E.	200	- 11 July -	11 April -	ditto -	10 June	-	-
	Jane Boyce -	D. U. E.	200	- 18 May -	- ditto -	ditto -	10 -	-	-

(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
WESTERN—continued.										
Kent—contd.	Brooke - (continued.)	Abraham Waggoner	Militia	100	{ Cert. A. G. M. April 1821.	9 May 1836	none	1836:	£.	d.
		Peter B. Kelly	ditto	100	{ ditto - 27 April 1821	2 April -	ditto	29 July	-	-
Camden		David Carpenter	S. U. E.	200	{ O. C., 20 Oct. 1832	7 June -	ditto	29 -	-	-
		Ephraim Gordon	S. U. E.	200	{ -- 11 Feb. 1834	24 Feb. 1834	ditto	15 April	-	-
		Michael Gordon	S. U. E.	200	{ -- ditto	- ditto -	ditto	15 -	-	-
		Baptiste Soullier	Militia	100	{ Cert. A. G. M. 8 May 1821.	5 Aug. 1836	ditto	4 -	-	-
Chatham		Leonard Ross	ditto	100	{ ditto - 7 Mar. 1836	- 1836	ditto	4 -	-	-
		Neil McArthur	ditto	100	{ ditto - 8 May 1821	- 1836	ditto	4 -	-	-
		Gordon Buchanan	ditto	100	{ ditto - 19 April 1821	5 Aug. 1826	ditto	11 -	-	-
		Constantine Beaufort	ditto	100	{ ditto - 24 April 1834	28 April 1834	ditto	15 -	-	-
		Catharine Servos	D. U. E.	200	{ O. C., 27 June 1833	- ditto -	ditto	8 -	-	-
		Catharine O'Bryan	D. U. E.	200	{ -- ditto	- ditto -	ditto	8 -	-	-
		John Peack	S. U. E.	200	{ O. C., 24 Mar. 1831	24 March 1831	ditto	9 -	-	-
		John Peck, jun.	S. U. E.	200	{ -- 6 Oct. -	4 Nov. -	ditto	9 -	-	-
		Frederick A. Sager	S. U. E.	200	{ -- 22 Feb. 1834	3 March -	ditto	10 May	-	-
		Loraine Card	D. U. E.	200	{ -- 24 July 1820	- ditto -	ditto	10 -	-	-
		Susannah Hartman	D. U. E.	200	{ -- 25 Jan. 1834	- ditto -	ditto	10 -	-	-
		Alexander Grant, jun.	S. U. E.	200	{ -- 10 Dec. 1823	- ditto -	ditto	10 -	-	-
		James Givins, jun.	Regs. 22 Dec. 1797	600	{ Spec. O. C., 11 Aug. 1818.	- 1836	fees	7 June	-	Fees paid.
		Thomas Fisher	{ Sett. regs. 5 January 1820.	100	{ O. C., 17 May 1820	4 April 1829	sett, duty and fees	1 -	-	ditto.
		Josiah Baldwin	Militia	100	{ Cert. A. G. M., filed 11 April 1836.	11 April 1836	none	20 July	-	-
Dawn		Rachael Roseburgh	D. U. E.	200	{ O. C., 18 July 1833	19 Feb. 1834	ditto	29 -	-	-
		Pierre Badichau	Militia	100	{ Cert. A. G. M., 6 May 1821.	21 Aug. 1821	ditto	9 April	-	-
		Jesse Orser	S. U. E.	200	{ O. C., 6 Mar. 1822	24 Nov. 1831	ditto	9 -	-	-
		Abraham Meredith	S. U. E.	200	{ -- 27 June 1833	19 March 1836	ditto	15 -	-	-
		John Haminger	Militia	100	{ filed 26 March 1836.	26 March -	ditto	10 May	-	-
		Martha Shaver	D. U. E.	200	{ O. C., 17 Mar. 1836	31 March -	ditto	10 -	-	-
		Laney Kennedy	D. U. E.	200	{ -- 9 Mar. -	29 March -	ditto	10 -	-	-
		Sarah Rayner	D. U. E.	200	{ -- 27 June 1833	- ditto -	ditto	10 -	-	-
		Catharine Clendennan	D. U. E.	200	{ -- 17 Mar. 1836	31 March -	ditto	10 -	-	-
		Abraham Price	S. U. E.	200	{ -- ditto	- ditto -	ditto	10 -	-	-
		William Green	Militia	100	{ Cert. A. G. M., Feb. 1832.	2 March 1832	ditto	17 June	-	-
		Benjamin Lewis	S. U. E.	200	{ O. C., 2 Sept. 1830	14 January 1831	ditto	7 -	-	-
		John Bell	S. U. E.	200	{ -- 14 Sept. 1825	13 March 1836	ditto	13 -	-	-

SALE OF LANDS IN UPPER CANADA.

Dover	Henry Quant	S. U. E.	-	200	-	-	5 Mar. 1823	13 March 1836	ditto	-	13	-
	William Green	S. U. E.	-	200	-	-	1 Mar. 1832	2 March 1832	ditto	-	14	July
	Jephtha Bradshaw	S. U. E.	-	200	-	-	4 Nov. 1818	4 May 1836	ditto	-	28	-
	Lewis Lambert	S. U. E.	-	200	-	-	4 May 1836	14 May -	ditto	-	29	-
	Jacob Dolsen	S. U. E.	-	200	-	-	20 Feb. 1810	21 Aug. 1821	ditto	-	29	-
	Abraham K. Hartley	Dis. artifice	-	200	-	-	27 Nov. 1834	13 April 1835	ditto	-	8	April
	Jacob Hawn	- ditto	-	200	-	-	8 Jan. 1835	- ditto -	ditto	-	8	-
	Michael Doan	- ditto	-	200	-	-	- ditto -	- ditto -	ditto	-	8	-
	William Hare	- ditto	-	200	-	-	O. C., 26 Dec. 1834	- ditto -	ditto	-	8	-
	Thomas McBride	Militia	-	100	-	-	Cert. A. G. M., 7 Aug. 1834.	4 March 1836	ditto	-	8	-
Emmiskillen	Christeen Morris	D. U. E.	-	200	-	-	O. C., 30 June 1819	4 Feb. 1833	ditto	-	6	-
	Joseph Spragge	{ Settler regs. prior to 17 July 1796. }	-	500	-	-	Specd. O. C., 28 April 1825.	-	-	-	9	-
	St. Luke Emery	C. R. sale	-	50	-	-	Cert. C. C. L., Feb. 1836.	-	-	-	1	June
	John Holcomb	Militia	-	100	-	-	Cert. A. G. M., 21 July 1820.	30 Jan. 1836	ditto	-	8	April
	Oliver Crouse	- ditto -	-	100	-	-	do. filed 5 April 1835	- ditto -	ditto	-	6	-
	John Lounsbury	- ditto -	-	100	-	-	Cert. - 11 Feb. 1833	21 June 1834	ditto	-	6	-
	John Lutes	- ditto -	-	100	-	-	ditto - 22 May 1834	23 June -	ditto	-	6	-
	Peter Moss	- ditto -	-	100	-	-	ditto - 3 June 1820	by O. C. 31 July 1834.	ditto	-	9	-
	Isaac Gilbert	- ditto -	-	100	-	-	ditto - 10 June -	15 March 1836	ditto	-	13	-
	Alexander Cameron	- ditto -	-	100	-	-	do. filed 2 Oct. 1835	2 Oct. 1835	ditto	-	15	-
	Elizabeth Buckhanan	D. U. E.	-	200	-	-	O. C., 8 Dec. 1832	8 Nov. 1833	ditto	-	6	-
	Mary Ann Nelles	D. U. E.	-	200	-	-	- 5 Feb. 1831	6 Nov. 1835	ditto	-	8	-
	Ann Clark	D. U. E.	-	200	-	-	- 5 Nov. 1828	3 July 1834	ditto	-	9	-
	Robert Fralick	S. U. E.	-	200	-	-	- 2 June 1819	12 March 1836	ditto	-	15	-
	Zachariah Boice	S. U. E.	-	200	-	-	- 4 Sept. 1834	21 March -	ditto	-	15	-
	Nicholas Boice	S. U. E.	-	200	-	-	- ditto -	- ditto -	ditto	-	15	-
	Hazleton Palmer	S. U. E.	-	200	-	-	- ditto -	- ditto -	ditto	-	15	-
	Belnap Babcock	S. U. E.	-	200	-	-	O. C., 27 Nov. 1834	- ditto -	ditto	-	15	-
	Sarah Taylor	S. U. E.	-	200	-	-	- 17 May 1820	2 Sept. 1820	ditto	-	17	May
	Thomas Doyle	Dis. artifice	-	200	-	-	- 2 Oct. 1834	6 April 1836	ditto	-	25	June
	Christian Fink	Militia	-	100	-	-	{ Cert. A. G. M., 28 Jan. 1821. }	16 Feb. 1835	ditto	-	6	-
	Daniel Anselv	- ditto -	-	100	-	-	28 Aug. 1820 -	28 June 1834	ditto	-	10	-
	John Moore	- ditto -	-	100	-	-	14 Oct. 1833 -	5 June -	ditto	-	10	-
	Azariah Lundy	- ditto -	-	100	-	-	14 April 1825 -	9 May 1836	ditto	-	16	-
	Horace Parish	- ditto -	-	100	-	-	filed 30 March 1836	5 April -	ditto	-	21	-
	John Groom	S. U. E.	-	200	-	-	O. C., 27 June 1833	12 Feb. -	ditto	-	10	-
	John Blakeley, sen.	S. U. E.	-	200	-	-	- 30 May 1834	3 June 1834	ditto	-	10	-
	Mary Nelles	D. U. E.	-	200	-	-	- 20 May 1817	23 June 1835	ditto	-	10	-
	Samuel Blakeley	S. U. E.	-	200	-	-	- 30 May 1834	3 June 1834	ditto	-	10	-
	Sophia Blakeley	D. U. E.	-	200	-	-	- ditto -	- ditto -	ditto	-	10	-
	William Stills	S. U. E.	-	200	-	-	O. C., 19 Dec. 1833	1 July 1834	ditto	-	10	-
	Rachael Daily	D. U. E.	-	200	-	-	- ditto -	- ditto -	ditto	-	10	-

(continued)

ORDERS IN COUNCIL RELATING TO THE

3.—Descriptions for Grants of Land, Upper Canada—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
WESTERN—continued. Kent—continued.	Enniskillen (continued)	Daniel Keller	S. U. E.	200	O. C., 5 Nov. 1835	13 April 1836	none	1836: 10 June	£. s. d.	
		Donald Gillis	S. U. E.	200	— 7 Feb. 1833	26 May	ditto	10		
		Louis Fraxler	Discharged artificer	200	— 26 Dec. 1834	6 April	ditto	8 July		
		Martin Moody	- ditto	200	— 2 Oct. 1834	6 April	ditto	8		
		Henry Davis	Militia	100	{ Cert. A. G. M., April 1820.	12 Aug. 1835	ditto	20		
		Daniel Fuller	ditto	100	24 June 1834	24 June 1834	ditto	28		
		Mary Dunn	D. U. E.	200	O. C., 24 Oct. 1835	8 April 1836	ditto	29		
		Eleanor Perry	D. U. E.	200	— 3 Dec. 1835	19 May	ditto	29		
		Charles Chamberlain	S. U. E.	200	— 10 Dec. 1832	13 April	ditto	29		
		William A. Rombough	S. U. E.	200	- ditto	- ditto	ditto	29		
		Rial Secord	S. U. E.	200	O. C., 2 May 1836	19 May	ditto	29		
	Harwich	Andrew Boyd	Militia	100	{ Cert. A. G. M., 5 September 1820.	25 April 1834	ditto	8 April		
		Samuel Spurgin	S. U. E.	200	O. C., 19 Feb. 1817	-	ditto	8		
		Can. Company	-	478	— 4 Feb. 1836	-	sett. duty performed	5 May		
		Israel Smith	Militia	200	{ Cert. A. G. M., 19 May 1820.	- located by Col. Talbot.	none	9		
	Howard	Catharine Scarlett	D. U. E.	200	O. C., 18 Feb. 1824	4 Dec. 1824	settlement duty	9		
		Martin Waldroff	Militia	100	{ Cert. A. G. M., 8 May 1821.	Talbot.	ditto	9		
		James Cornwell	ditto	100	ditto - 23 Feb. 1821	- ditto	ditto	16 June		
		Stephen Backus	ditto	100	filed 4 March 1836	- ditto	sett. duty and fees	14		
	Moore	Samuel Brundage	- Sett. reg., 6 July 1804	200	O. C., 19 May	- ditto	-	16		- Pat. fee and survey paid.
		William West Wood	- ditto	200	— 31 March	- ditto	-	17		
		Edmund Milton	- ditto	200	— 16 June	- ditto	-	5 May		
		Can. Company	-	100	— 4 Feb.	-	-	8 April		
		Gideon Bostwick	Militia	100	{ Cert. A. G. M., 7 May 1821.	14 March 1834	none	8		
		John F. Elliott	2d Lt. R. M.	150	O. C., 31 July 1834	4 August	- resident in colony 2 years, and settlement duty.	8		
		Claude Cartier	Discharged sergeant	200	— 5 Sept. 1833	28 Sept. 1833	- res. on grant 3 years.	14		
		George Rousseau	Lt. Indian depart.	500	— 3 April 1834	13 January 1835	- resident in colony 2 years, and settlement duty.	15		
		George Norton	Militia	100	{ Cert., A. G. M., 19 June 1820.	14 March 1834	none	11		

SALE OF LANDS IN UPPER CANADA.

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Joseph House -	-	ditto	-	200	ditto - 31 Aug. 1820	-	ditto	-	11	-	-
John Odel -	-	ditto	-	100	ditto - 19 June -	-	ditto	-	11	-	-
Samuel McKenney -	-	ditto	-	200	ditto - 1 July -	-	ditto	-	8	-	-
William Grant -	-	S. U. E.	-	200	O. C., 5 Feb. 1835	20 July 1833	ditto	-	6	-	-
Francis Moore -	-	S. U. E.	-	200	- 2 Feb. 1832	1 April 1835	ditto	-	6	-	-
George Eaman -	-	S. U. E.	-	200	- 9 July 1817	2 Sept. 1833	ditto	-	8	-	-
Margaret Calvert -	-	D. U. E.	-	200	- 4 July 1833	30 July 1835	ditto	-	8	-	-
Margaret Raymond -	-	D. U. E.	-	200	- 2 July 1819	2 March 1834	ditto	-	8	-	-
Lydia Randolph -	-	D. U. E.	-	200	- 12 Nov. 1827	9 October 1834	ditto	-	8	-	-
Joseph Young -	-	S. U. E.	-	200	- 9 Aug. 1820	14 March 1835	ditto	-	8	-	-
Lavinia Sage -	-	D. U. E.	-	200	- 13 Sept. 1832	10 April 1833	ditto	-	9	-	-
John Diamond, jun. -	-	S. U. E.	-	200	- 6 Oct. 1831	2 Sept. 1833	ditto	-	9	-	-
James Sipes -	-	S. U. E.	-	200	- 19 Aug. 1833	22 May 1834	ditto	-	12	-	-
Joel Wilson -	-	S. U. E.	-	200	- 3 April 1834	23 April 1833	ditto	-	14	-	-
James McNeill -	-	S. U. E.	-	200	- 6 Dec. 1832	18 July 1834	ditto	-	15	-	-
Timothy Simmons -	-	S. U. E.	-	200	- 3 April 1834	20 Dec. 1833	ditto	-	15	-	-
John Kerlin, jun. -	-	S. U. E.	-	200	- 5 Sept. 1833	6 Sept. 1833	ditto	-	25	-	May
Jacques Borque -	-	Crown L. sale	-	100	{ Cert. C. G. L., 5 February 1836.	-	ditto	-	31	-	-
James Moss -	-	Discharged seaman	-	100	{ O. C., 31 Mar. 1824	16 March 1836	- residence on grant 3 years.	-	31	-	-
Gustavus Arivison -	-	Militia	-	800	{ Cert. A. G. M., 30 January 1821.	10 July 1833	none	-	10	-	-
Ebenezer Reynolds -	-	ditto	-	1,000	ditto - 16 April 1821	29 July -	ditto	-	31	-	-
David Mitchell -	-	S. U. E.	-	200	O. C., 4 April 1833	20 June -	ditto	-	10	-	-
Magdaline Elsworth -	-	D. U. E.	-	200	- 4 April -	- ditto	ditto	-	10	-	-
William Hoffman -	-	S. U. E.	-	200	- 4 April -	- ditto	ditto	-	10	-	-
Thomas Dally -	-	S. U. E.	-	200	- 1 Aug. -	21 Sept. 1833	ditto	-	31	-	-
John Babcock -	-	S. U. E.	-	200	- 3 April 1834	16 April 1834	ditto	-	31	-	-
David Eligh -	-	S. U. E.	-	200	- 6 Nov. -	29 Nov. -	ditto	-	31	-	-
Christopher Hanes, jun. -	-	S. U. E.	-	200	- 5 Sept. 1833	18 Sept. 1833	ditto	-	31	-	-
Adolphus Givins -	-	-	-	600	Spec' O. C. 10 Aug. 1818	-	fees	-	31	-	Pat. fee paid.
John Simmerman -	-	S. U. E.	-	200	O. C., 8 Aug. 1821	24 Sept. 1833	none	-	31	-	-
Mary Henry -	-	D. U. E.	-	200	- 27 Feb. 1833	- ditto	ditto	-	31	-	-
Margaret Weaver -	-	D. U. E.	-	200	- 27 June -	9 Sept. 1833	ditto	-	31	-	-
William Simmerman -	-	S. U. E.	-	200	- 11 April -	17 June 1834	ditto	-	31	-	-
Margaret Simmerman -	-	D. U. E.	-	200	- 7 April -	24 Sept. 1833	ditto	-	31	-	-
Jeremiah Simmerman -	-	S. U. E.	-	200	- 7 Feb. -	- ditto	ditto	-	31	-	-
Daniel Mc'Donnell -	-	S. U. E.	-	200	- 10 Dec. 1832	16 January 1833	ditto	-	31	-	-
Charity Triller -	-	D. U. E.	-	200	- 7 Feb. 1833	24 Sept. 1833	ditto	-	31	-	-
Reuben Mosher -	-	S. U. E.	-	200	- 7 Oct. 1830	6 June 1834	ditto	-	31	-	-
Louis Papineau -	-	Crown L. sale	-	100	{ Cert. C. G. L., 29 June 1836.	-	-	-	1	-	July
Donald Mc'Donald -	-	Discharged soldier	-	100	{ O. C., 2 May 1833	24 July 1833	- residence on grant 3 years.	-	29	-	-
Freeman Durfy -	-	Militia	-	100	{ Cert. A. G. M., 21 September 1820	20 May 1834	none	-	29	-	-

(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and Connty.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
WESTERN—continued. Kent—continued.	Moore (continued)	Christopher Lennox	Militia	100	26 June 1834	28 June 1834	none	1836: 29 July	£. s. d.	
		Margaret Cameron	D. U. E.	200	O. C., 6 Sept. 1832	5 Nov. 1833	ditto	29		
		John Sipes	S. U. E.	200	— 12 June 1834	16 July 1834	ditto	29		
	Orford	Samuel Smith	- Settler regs. 6 July 1804.	200	— 2 May 1836	- located by Col. Talbot.	- settlement duty and fees.	16 June	-	- Pat. fee and survey paid.
		Eliakim Newcomb	- ditto	200	— 30 June	- ditto	- ditto	20 July	-	- ditto.
	Plympton	Elijah M'Kenney	Militia	200	{ Cert. A. G. M. 7 May 1821.	19 Dec. 1832	none	8 April		
		Joseph Holmes	ditto	100	ditto - 11 Dec. 1832	29 August 1833	ditto	9		
		David Boice	ditto	100	ditto - 17 July 1833	- ditto	ditto	9		
		Lawrence Eaman	S. U. E.	200	O. C. 28 Oct. 1835	20 Feb. 1836	ditto	8		
		Samuel S. M'Kenney	S. U. E.	200	— 23 Nov. 1816	30 March 1835	ditto	9		
		Sarah Freere	D. U. E.	200	— 19 Aug. 1833	22 May 1834	ditto	9		
		Eleanor Morden	D. U. E.	200	— 28 Oct.	2 Nov. 1833	ditto	13		
		Daniel Morden	S. U. E.	200	— 27 June	9 Nov.	ditto	13		
		Jacob Miller	S. U. E.	200	— 10 Oct. 1834	11 Oct. 1834	ditto	29		
		Timothy Ressequi	- Non-commissioned officer Queen's Rangers.	500	— 22 June 1825	8 July 1833	- residence on grant 3 years.	11 May		
		Peter Haines	Militia	100	{ Cert. A. G. M. 5 June 1833.	8 June 1833	none	10		
		Solomon Soper	ditto	100	filed, 12 Feb. 1836	12 Feb. 1836	ditto	10		
		John M'Laughlin	ditto	200	26 August 1833	26 Sept. 1833	ditto	31		
		Mary Sherman	D. U. E.	200	O. C., 6 Dec. 1832	19 Sept.	ditto	10		
		Mary Morgan	D. U. E.	200	— 1 July 1830	27 August	ditto	10		
		Mary Perry	D. U. E.	200	— 7 Feb. 1833	7 May 1834	ditto	11		
		Ann Pearsall	D. U. E.	200	— 4 Sept. 1834	7 Nov. 1835	ditto	11		
		Angus M'Kay	S. U. E.	200	— 27 June 1833	9 July 1833	ditto	11		
		Catharine Bartlett	D. U. E.	200	— 6 Dec. 1832	29 May	ditto	11		
		Catharine Carpenter	D. U. E.	200	— 25 July 1833	27 July	ditto	11		
		Hiram Wilson	S. U. E.	200	— 27 June	9 July	ditto	20		
		William Y. Pawling	S. U. E.	200	— 27 Oct. 1834	6 Nov. 1834	ditto	30		
		Mary Roblin	D. U. E.	200	— 28 Feb. 1835	4 Dec. 1835	ditto	31		
		Adelia Frey	D. U. E.	200	— 11 Feb. 1836	12 April 1836	ditto	31		
		Lewis Carpenter	S. U. E.	200	— 25 July 1833	27 July 1833	ditto	31		

SALE OF LANDS IN UPPER CANADA.

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James Chamberlain	S. U. E.	-	200	-	27 Aug.	-	23 Sept.	-	ditto	-	-	31	-	-
Catharine McDonell	D. U. E.	-	200	-	8 May	-	2 August	-	ditto	-	-	11	-	-
Deborah Kellogg	D. U. E.	-	200	-	19 Aug.	-	24 Sept.	-	ditto	-	-	31	-	-
Florence Benn	D. U. E.	-	200	-	19 Aug.	-	23 Sept.	-	ditto	-	-	31	-	-
George Dettor	S. U. E.	-	200	-	27 Aug.	-	- ditto	-	ditto	-	-	31	-	-
Christine Marsh	D. U. E.	-	200	-	27 Aug.	-	- ditto	-	ditto	-	-	31	-	-
Catharine Ellison	D. U. E.	-	200	-	25 July	-	26 July 1833	-	ditto	-	-	1	June	-
John Rogers	S. U. E.	-	200	-	1 May 1834	-	29 Nov. 1834	-	ditto	-	-	8	-	-
David Johnston	S. U. E.	-	200	-	10 March	-	-	-	ditto	-	-	8	-	-
Elizabeth Dafee	D. U. E.	-	200	-	ditto	-	-	-	ditto	-	-	8	-	-
Jason Parkes	S. U. E.	-	200	-	ditto	-	-	-	ditto	-	-	8	-	-
Jacob Staings	S. U. E.	-	200	-	O. C., 4 Feb. 1836	-	-	-	ditto	-	-	8	-	-
Emily Dean	D. U. E.	-	200	-	19 Jan. 1833	-	27 July 1833	-	ditto	-	-	10	-	-
Joseph Cass	S. U. E.	-	200	-	7 Dec. 1830	-	17 July	-	ditto	-	-	13	-	-
James Littleworth	Discharged serjeant	-	200	-	11 Feb. 1833	-	1833	-	- residence on grant	-	-	20	July	-
Ann Eberts	D. U. E.	-	200	-	10 Nov. 1834	-	15 March 1836	-	3 years.	-	-	29	-	-
Phoebe Read	D. U. E.	-	200	-	2 May 1833	-	5 July 1833	-	ditto	-	-	29	-	-
Francis Simmons	S. U. E.	-	200	-	12 Feb. 1831	-	20 March	-	ditto	-	-	29	-	-
William H. Simmons	S. U. E.	-	200	-	12 Feb.	-	- ditto	-	ditto	-	-	29	-	-
Abigail Jarvis	D. U. E.	-	200	-	18 May 1833	-	12 August 1833	-	ditto	-	-	29	-	-
Catharine Knight	D. U. E.	-	200	-	10 March 1834	-	15 March 1836	-	ditto	-	-	29	-	-
William McNeal	Militia	-	100	-	{ Cert. A. G. M. }	-	11 April	-	ditto	-	-	20	-	-
Elizabeth Foster	D. U. E.	-	200	-	{ filed 8 April 1836. }	-	13 February	-	ditto	-	-	21	-	-
Stephen Peters	S. U. E.	-	200	-	24 March 1835	-	6 June 1835	-	ditto	-	-	6	April	-
Allan Cameron	S. U. E.	-	200	-	21 Feb. 1832	-	30 August 1833	-	ditto	-	-	8	-	-
John Papst	S. U. E.	-	200	-	19 Dec. 1833	-	24 March 1834	-	ditto	-	-	8	-	-
George Bradshaw	S. U. E.	-	200	-	1 May 1834	-	2 May	-	ditto	-	-	9	-	-
Anet McCall	D. U. E.	-	200	-	16 July 1816	-	5 Dec. 1832	-	ditto	-	-	9	-	-
Mahlon Doun	S. U. E.	-	200	-	9 Oct. 1810	-	- ditto	-	ditto	-	-	9	-	-
John Caughel, jun.	S. U. E.	-	200	-	3 April 1834	-	15 March 1836	-	ditto	-	-	9	-	-
Adam J. Briscoe	S. U. E.	-	200	-	28 Oct. 1833	-	1 August 1834	-	ditto	-	-	9	-	-
Reuben Mosher	S. U. E.	-	200	-	7 Oct. 1830	-	6 June	-	ditto	-	-	31	May	-
John Quig	Discharged soldier	-	100	-	10 Jan. 1832	-	21 April	-	- residence on grant	-	-	6	June	-
Hypolite Parant	Militia	-	100	-	{ Cert. A. G. M. }	-	5 Nov. 1833	-	none	-	-	17	-	-
Ruth Pawling	D. U. E.	-	200	-	O. C., 19 Aug. 1833	-	8 March 1836	-	ditto	-	-	10	-	-
Francis A. Brackenridge	S. U. E.	-	200	-	7 March	-	2 May 1834	-	ditto	-	-	10	-	-
William Vandalip, jun.	S. U. E.	-	200	-	4 Sept. 1822	-	8 October 1833	-	ditto	-	-	17	-	-

- - A former patent surrendered.

(continued)

3.—Descriptions for Grants of Land, *Upper Canada*—continued.

District and County.	Township.	Grantee.	Nature of Claim.	Number of Acres.	Date of Warrant or other Authority.	Date of Location.	Conditions.	When the Description issued.	Purchase Money.	Fees.
WESTERN—continued. Kent—continued	Samia (continued)	George Durand	C. L. sale	Waterlot 11,550 sq. ft.	- Cert. C. C. L. 18 July 1836.	-	-	1836: 28 July	£. s. d. 10 - -	
		Thomas Williams	S. U. E.	200 ac.	O. C., 6 Nov. 1829	8 July 1833	none	26	-	
		Thomas Flagher	Militia	200	{ Cert. A. G. M. 5 March 1835. }	5 Feb. 1836	ditto	7 April	-	
		Aquila M. Walsh	ditto	200	ditto - 2 Sept. 1820	27 Sept. 1820	ditto	13	-	
		John Clark	ditto	100	ditto - 5 Jan. 1821	5 Jan. 1821	ditto	-	-	
		James Haward	ditto	200	ditto - 8 May -	7 Dec. 1825	ditto	31 May	-	
		Jeremiah Kettle	S. U. E.	200	O. C., 7 May 1835	7 May 1835	ditto	17	-	
		Sarah Baker	D. U. E.	200	- 20 Nov. 1826	12 March 1836	ditto	31	-	
		Asa Bell Huff	Dis. artificer	200	- 2 May 1833	27 Oct. 1834	ditto	1 June	-	
		Mercy Bolton	D. U. E.	200	- 21 Feb. 1821	30 Sept. 1835	ditto	3	-	
		Canada Company	-	-	- 4 Feb. 1836	-	-	5 May	-	
	Sombra	Andrew Wilson	Militia	100	{ Cert. A. G. M. 2 September 1820. }	27 Sept. 1820	ditto	2 July	-	
		Paul Dustin, jun.	ditto	200	6 January 1821	6 Jan. 1821	ditto	20	-	
		Jesse Coll	ditto	100	25 May 1820	6 Jan. 1835	ditto	26	-	
		Sarah Peterson	D. U. E.	200	O. C., 7 Aug. 1824	21 June 1836	ditto	12	-	
		Samuel Peterson	S. U. E.	200	- 21 March 1831	21 June -	ditto	12	-	
		Lucy Scott	D. U. E.	200	- 7 Aug. 1834	21 June -	ditto	12	-	
		James Peterson	S. U. E.	200	- ditto -	21 June -	ditto	12	-	
		Elizabeth Peterson	D. U. E.	200	- ditto -	21 June -	ditto	12	-	
		Hannah Judd	D. U. E.	200	O. C., 2 April 1829	20 June -	ditto	26	-	
		Clarissa Bellinger	D. U. E.	200	- 28 Oct. 1835	2 June -	ditto	28	-	
		Mary C. Goodenough	D. U. E.	200	- 4 May 1836	26 May -	ditto	29	-	
		Nancy Elliott	D. U. E.	200	- 17 March -	1 June -	ditto	29	-	
		Allan Grant	S. U. E.	200	- 27 Nov. 1834	12 April -	ditto	29	-	
		David Palmer	S. U. E.	200	- 27 Feb. -	10 Jan. 1835	ditto	29	-	
		Hannah Swackhammer	D. U. E.	200	- 3 Feb. -	10 Jan. -	ditto	29	-	
Warwick		Thomas Davis, jun.	S. U. E.	200	- 4 April 1821	17 June 1833	ditto	6 April	-	
		Archibald Peebles	S. U. E.	200	- 6 Dec. 1832	16 Jan. -	ditto	6	-	
		Robert Breackenridge	S. U. E.	200	- 8 Nov. -	9 Nov. 1832	ditto	8	-	

Rachael Hartle	D. U. E.	-	200	-	ditto	-	12 Feb.	1833	ditto	-	8	-	
Elizabeth Freats	D. U. E.	-	200	-	-	-	-	-	ditto	-	8	-	
Andrew Sipes, jun.	S. U. E.	-	200	-	7 Feb.	1833	-	-	ditto	-	8	-	
Sally Knight	D. U. E.	-	200	-	6 Dec.	1832	-	-	ditto	-	8	-	
George Johnson	S. U. E.	-	200	-	11 July	1833	-	-	ditto	-	8	-	
John Galloway	S. U. E.	-	200	-	7 Jan.	1824	-	-	ditto	-	8	-	
Abraham Nelles	S. U. E.	-	200	-	27 March	1829	-	-	ditto	-	8	-	
Robert Robbins	S. U. E.	-	200	-	11 May	1825	-	-	ditto	-	8	-	
James Swats	S. U. E.	-	200	-	8 Dec.	1832	-	-	ditto	-	11	-	
Lemuel C. Teeple	S. U. E.	-	200	-	2 Feb.	-	-	-	ditto	-	13	-	
Stephen Land	S. U. E.	-	200	-	24 Nov.	1824	-	-	ditto	-	13	-	
Appalona Carroll	- D. U. E., regs. 22 Dec. 1797.	-	400	-	17 April	1832	-	-	ditto	-	16	May	
Benjamin Crumb	S. U. E.	-	200	-	6 Sept.	-	-	-	ditto	-	7	-	
Johnson Clench	S. U. E.	-	200	-	4 Dec.	1834	-	-	ditto	-	20	-	
John McLeay	Dis. seaman	-	100	-	27 June	1833	-	-	- residence on grant 3 years.	-	28	June	
Jacob Hoffman	Militia	-	100	-	{ Cert. A. G. M. 13 January 1821. }			31 March	1835	none	-	6	-
Nancy Weegar	D. U. E.	-	200	-	O. C., 13 Nov.	1818	-	-	ditto	-	6	-	
Gracy Wait	D. U. E.	-	200	-	24 April	1835	-	-	ditto	-	6	-	
Benjamin Bowbeer	- Settler regs., 6 July 1804.	-	200	-	16 July	1816	-	-	sett. duty and fees	-	6	-	
Robert Johnston	S. U. E.	-	200	-	11 May	1833	-	-	none	-	6	-	
Mary Hopper	D. U. E.	-	200	-	24 April	1835	-	-	ditto	-	8	-	
Mark Sims	S. U. E.	-	200	-	27 Aug.	1833	-	-	ditto	-	25	-	
John Crafford	S. U. E.	-	200	-	24 April	-	-	-	ditto	-	28	-	
Phoebe Crafford	D. U. E.	-	200	-	ditto	-	-	-	ditto	-	28	-	
Elizabeth Curtis	D. U. E.	-	200	-	19 Jan.	-	-	-	ditto	-	29	-	
William Moorhouse	- Settler regs., 6 July 1804.	-	100	-	4 Feb.	1836	-	-	located by Col. Talbot.	-	8	April	
John Langford	ditto	-	127	-	26 March	-	-	-	- ditto	-	10	June	
William Emery	C. L. sale	-	(2 lots) 14 acr.	-	{ Cert. C. C. L. 18 June 1836. }			-	-	-	29	July	
John Shipley, jun.	Regs. 31 Jan. 1834	-	1	-	O. C., 14 Sept.	1825	-	-	3 Nov.	1825	11	April	
		-		-					sett. duty and fees	-	-	-	
		-		-					- ditto	-	-	-	
		-		-					sett. duty and fees	-	-	-	
		-		-					- ditto	-	-	-	
		-		-					sett. duty and fees	-	-	-	
		-		-					- ditto	-	-	-	
		-		-					sett. duty and fees	-	-	-	
		-		-					- ditto	-	-	-	
		-		-					sett. duty and fees	-	-	-	
		-		-					- ditto	-	-	-	
		-		-					sett. duty and fees	-	-	-	
		-		-					- ditto	-	-	-	
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No. 4.—RETURN OF THE COMMISSIONER OF CROWN LANDS, UPPER CANADA.

STATEMENT, showing the CERTIFICATES issued from the Office of the COMMISSIONER FOR CROWN LANDS, between the 1st day of April and the 1st day of August 1836 inclusive.

DATE OF SALE.	No. of Certificate.	LOT.	Con.	TOWN, or TOWNSHIP.	COUNTY.	IN WHOSE NAME ISSUED.	DATE of Payment of Consideration Money in full.	DATE of Issue of Certificate.	DATE of Order in Council under which Certificate issued.	Amount of Consideration Money paid.	Whether Crown, Clergy, or Indian.
22 May 1834	414	10, N. Wellington-street	-	Brantford -	Wentworth -	George A. Clarke (original sale to Miles Shaw)	1836: April 13	1836: April 13	1830: December 7	£. s. d. 10 5 -	Indian.
18 April 1836 Public auction.	415	3, Town, N. side Dalhousie-street	-	Brantford -	Wentworth -	Arunagh Huntingdon	- 18	- 18	-	13 11 -	Indian.
19 April 1836 Public auction.	416	10, Water lot in front of	-	Town of Prescott	Grenville -	Hiram Norton, esq.	- 19	- 19	-	10 -	Crown.
20 June 1834 27 Feb. 1833	417 418	16 - - - - 1, N. Sherbrooke-street and E. Georges-street.	6 128	Cayuga - Town of Peterboro'	Haldimand - Northumberland -	Israel Fogel John Hutchinson -	- 22 May 4	- 22 May 4	-	105 12 - 10 -	Indian. Crown.
2 Sept. 1835	419	- - Part of 24, 25, 26, 27, 28; and part of 25, 26, 27, 28.	3 188	Brantford -	Wentworth -	John Charles Digby	- 5	- 5	-	235 -	Indian.
6 May 1836 Public auction.	420	- - Part of 23, 24 and 27; and part of 23, 24, 25, 26, 27, 28.	3 458	Brantford -	Wentworth -	William Holme, esq.	- 6	- 6	-	572 10 -	Indian.
30 August 1834	421	20 and 21, East Bedford-street	-	Town of Sandwich	Essex -	James Beatty	- 7	- 7	-	21 2 6	Crown.
30 August 1834	422	20 and 21, W. Bedford-street	-	Town of Sandwich	Essex -	James Beatty	- -	- -	-	20 2 -	Crown.
31 Jan. 1829	423	4, N. D ⁿ	9	Gore of Toronto	York, 2d Riding	Dickinson Fletcher	- -	- -	-	162 10 -	Crown.
20 June 1834	424	19 - - -	6	Cayuga -	Haldimand -	Peter Kinter	June 4	June 4	-	105 12 -	Indian.
26 March 1833	425	23 - - -	10	Verulam -	Durham -	John Brooks Crowe	- 6	- 6	-	52 10 -	Crown.
26 March 1833	426	20 - - -	16	Harvey -	Northumberland -	John Brooks Crowe	- -	- -	-	46 5 2	Crown.
26 March 1833	427	W 1 19	75	Harvey -	Northumberland -	John Brooks Crowe	- -	- -	-	19 1 3	Crown.
26 March 1833	428	E. 1 22	17	Harvey -	Northumberland -	John Brooks Crowe	- -	- -	-	28 8 4	Crown.
7 June 1836 Public auction.	429	1 - - -	11	Nottawasaga -	Simcoe -	John Smith -	- 7	- 7	-	50 -	Crown.
6 June 1833 10 June 1834	430 431	20, on Dunlop-street 1 - - -	- 176	Barrie - Moulton -	Simcoe Haldimand -	David Smith Ross Salmon Miner -	- 9 -	- 9 -	-	15 15 - 132 -	Crown. Indian.

Date	Lot	Buyer	Property	County	Assessment	Encumbrances	Remarks	Notes
5 Sept. 1835	432	Stephen Fant	8, S. Talbot-road	Cayuga	-	-	-	Indian.
23 April 1833	433	Hugh M'Cullum	26, N. Fifth-street	Cornwall	-	-	-	Crown.
18 Feb. 1834	434	William Wade	24, S. Fourth-street	Cornwall	-	-	-	Crown.
18 Feb. 1834	435	Aaron Walsh	24, N. of Third-street	Cornwall	-	-	-	Crown.
10 June 1836	436	Benjamin Clark	26 and 27 N. Boulton-street	Cobourg	-	-	-	Crown.
Per Order in Council, 3 July 1834.	437	George Strange Boulton	8 and 9 S. Dundas-street	Cobourg	-	-	-	Crown.
10 June 1836	438	George Strange Boulton	18 and E. 1/2 17 S. Dundas-street	Cobourg	-	-	-	Crown.
Order in Council, 3 July 1834.	439	Henry Hunsberger	34 and W. 1/2 35 N. Boulton-street	Cobourg	-	-	-	Crown.
10 June 1836	440	Alexander M'Lean	11 - - - 6	Cayuga	-	-	-	Crown.
9 June 1834	441	George Deverell	1 N. First-street	Cornwall	-	-	-	Crown.
23 April 1833	442	George Deverell	S. p ^t 16 - - 4	Brantford	-	-	-	Crown.
18 Feb. 1836	443	Joseph Grobb	14 - - - 6	Cayuga	-	-	-	Crown.
Public auction.	444	William Emery	29, on M'Gregor's Creek	Chatham	-	-	-	Crown.
20 June 1834	445	William Emery	52, on River Thames	Chatham	-	-	-	Crown.
18 June 1836	446	Henry James Castle	39, Bl ⁿ front - 11	Collingwood	-	-	-	Crown.
Public auction.	447	John Powell	1 town, 7, W. side Port-street	Port Credit	-	-	-	Crown.
17 June 1834	448	George Monroe	5 East side Toronto-street	Town Port Credit	-	-	-	Crown.
20 June 1836	449	John Groves	E. 1/2 3 N. D ⁿ - 7	Gore of Toronto	-	-	-	Crown.
Public auction.	450	Charles Askin	Town, 26, East Bedford-street	Town of Sandwich	-	-	-	Crown.
13 Sept. 1830	451	William Johnson Kerr	- N. part of the farm known as the Brant Farm.	Brantford	-	-	-	Crown.
3 Sept. 1834	452	Thomas Graham	Town, 30, on Dunlop-street	Barrie	-	-	-	Crown.
23 June 1836	453	Joseph Pillsworth	Town, 3, N. Wellington-street	Brantford	-	-	-	Crown.
Public auction.	454	Alexander Dixon	Town, 7, E. side Toronto-street	Port Credit	-	-	-	Crown.
23 June 1836	455	George Gurnett	Town, 12, W. side Bay-street	Port Credit	-	-	-	Crown.
Public auction.	456	Anthony B. Hawke	Town, 12, East side Port-street	Port Credit	-	-	-	Crown.
23 June 1836	457	James Winniett, esq.	Part 28, 29, 30 - 3	Brantford	-	-	-	Crown.
Public auction.	458	George Walton	- - Town, 1 & 2 East side Bay-street.	Port Credit	-	-	-	Crown.

ORDERS IN COUNCIL RELATING TO THE

No. 4.—Certificates issued from the Office of the Commissioner for Crown Lands—continued.

DATE OF SALE.	No. of Certificate.	L O T.	Con.	TOWN, or TOWNSHIP.	COUNTY.	IN WHOSE NAME ISSUED.	DATE of Payment of Consideration Money in Full.	DATE of Issue of Certificate.	DATE of Order in Council under which Certificate issued.	Amount of Consideration Money paid.	Whether Crown, Clergy or Indian.
5 Oct. 1830	458	W. $\frac{1}{2}$ 4	8 N. D ⁿ	Gore of Toronto	York, 2d Riding	- - John Healy (original sale to John Falvey.)	1836: June 27	1836: June 27	1830: December 30	£. s. d. 75 - -	Crown.
27 June 1836 Public auction.	459	Town, 3, East side Bay-street	-	Port Credit	York, 2d Riding	- - John King	-	-	-	14 10 -	Indian.
17 March 1835	460	10, on Dunlop street	-	Barrie	Simcoe	- - George A. Barber, (original sale to Benjamin Thorne.)	-	-	-	12 15 -	Crown.
24 July 1834	461	21, front Concession	-	Moore	Kent	Lewis Papineau	July 1	July 1	-	25 - -	Crown.
31 May 1833	307	E. $\frac{1}{2}$ 24	9	Beckwith	Lanark	Duncan M'Laren	April 26	April 26	February 4	50 - -	Clergy.
16 June 1834	308	W. $\frac{1}{2}$ 20	6	Richmond	Carleton	William Wilkinson	-	-	-	75 - -	Clergy.
9 Nov. 1831	309	N. $\frac{1}{2}$ 23	8	Norwich	Oxford	James Gillard	May 4	May 4	-	45 - -	Clergy.
27 March 1832	310	- - Part 2, S. road and 2 broken front.	1	Hope	Durham	Nathan B. Straw	-	-	-	115 6 3	Clergy.
3 Feb. 1829	311	E. $\frac{1}{2}$ 15	3	East Gwillimbury	Simcoe	Ebenezer Doan	June 7	June 7	-	87 10 -	Clergy.
18 April 1829	312	W. $\frac{1}{2}$ 16	4	North Gwillimbury	Simcoe	Elisha Mitchell, jun.	-	-	-	56 5 -	Clergy.
8 April 1830	313	E. $\frac{1}{2}$ 27	2	Whitby	York, 3d Riding	Peter McDonald	-	-	-	100 - -	Clergy.
12 June 1829	314	S. p ^t 15	13 F	Whitby	York, 3d Riding	Benjamin Rogers	-	-	-	89 7 6	Clergy.
8 July 1833	315	R. $\frac{1}{2}$ 13	10	Elizabethtown	Leeds	John Green	-	-	-	125 - -	Clergy.
17 June 1836 Public auction.	316	N. W. $\frac{1}{2}$ 21	10	Beckwith	Lanark	Duncan M'Ewan	-	-	-	50 - -	Clergy.
21 June 1836 Order in Council, 4 May 1836.	317	Credit Reserve, 2 -	5	Toronto	York, 2d Riding	William Blain	-	-	-	50 - -	Clergy.
11 June 1829	318	N. $\frac{1}{2}$ 16	1	Innisfil	Simcoe	Lewis J. Clement	July 1	July 1	-	37 10 -	Clergy.
27 Aug. 1833	319	30	10	Markham	York, 3d Riding	Michael Kaistor	-	-	-	94 - -	Clergy.
18 July 1836 Order in Council.	320	2, S. E. angle	1	Hamilton	Northumberland	Nathan W. Tripp	-	-	-	5 - -	Clergy.
26 July 1833	321	8 S. Road	3	Warwick	Kent	Arthur J. Kingston	-	-	-	100 - -	Clergy.
26 July 1833	322	6 S. Road	2	Warwick	Kent	Arthur J. Kingston	-	-	-	100 - -	Clergy.
23 July 1836 Public auction.	323	24	2	Whitchurch	York, 4th Riding	John M'Kay	-	-	-	250 - -	Clergy.
19 April 1832	324	30	5	Thurlow	Hastings	Adam Easton	-	-	-	100 - -	Clergy.

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With reference to the foregoing return, I beg to remark that the purchaser of lands from the Crown became entitled to his patent (without fees) upon the payment of the purchase-money in full, the certificate of the commissioner for Crown lands to that effect being (pursuant to an Order in Council of the 7th December 1830) sufficient authority for the issuing of the same, no settlement duty being required, except upon the purchase of town lots, when the erection of a stone, brick or frame house of not less than 18 by 24 feet was required; this settlement duty has been performed in every case contained in the foregoing return where the purchase was from the Crown; that is to say, where the town lots were the property of the Crown; but such settlement duty was not required before the issuing of the seven certificates on the town lots in Port Credit, agreeably to the wish of the Indians themselves, through their agents or representatives, Messrs. John and Peter Jones; the commissioner for Crown lands, in the sale of Indian lands, being merely the receiver of the money, and having no authority to propose conditions other than the Indians themselves stipulate.

No. 4.
Return of the
Commissioner for
Crown Lands.

This return likewise shows the authority by and the manner in which such sales were made; in addition, I beg to add the conditions of payment on Crown lands; viz., one-fourth of the purchase-money down, the balance in three equal annual instalments, with interest on each instalment as it becomes due, or until paid; on clergy reserves the tenth is paid down, the balance in nine equal annual instalments, with interest on each instalment as it becomes due, or until paid.

The column "Date of Orders in Council under which certificates issued," has reference to the general Order in Council authorizing the certificate of the commissioner for Crown lands to be received as satisfaction by the Crown officers for the issuing the patents.

No certificate has been issued by this department until the full amount of purchase-money has been paid in cash, neither bond nor any other security whatever being received as payment by this department; the commissioners by such certificate becoming responsible for the amount thereof to His Majesty's Government, to whom particulars are submitted in the half-yearly accounts furnished by this department. Upon the issue of the certificate, the purchaser becomes entitled to a patent free of expense.

Where lands are sold otherwise than by public auction, the date of the Order in Council authorizing such sale is inserted in the column under date of such sale, (in the year 1836,) on consideration that the certificates issued for sales made that year, previous to the 1st of August, are specially referred to in the address of the Honourable the House of Commons.

I send herewith the instructions (in printed form) from the Right Honourable the Lords Commissioners of His Majesty's Treasury, to the Commissioner for the sale and management of Crown lands in the province of Upper Canada.

R. B. Sullivan,

Commissioner for Crown Lands.

Commissioner for Crown Lands' Office,
Toronto, 3 March 1837.

INSTRUCTIONS from the Right Honourable the Lords Commissioners of His Majesty's Treasury, to *Peter Robinson*, esq., Commissioner for the Sale and Management of Crown Lands in the Province of Upper Canada.

WHEREAS His Majesty, by a commission bearing date the 17th day of July 1827, did nominate and appoint you the said *Peter Robinson* to the office and trust of Commissioner for the sale and management of Crown lands in the province of Upper Canada, and did strictly enjoin you to follow such orders and directions as you might from time to time receive from the Commissioners of His Majesty's Treasury, or from any one of His Majesty's principal Secretaries of State, or from the Governor, or officer administering the government of the province of Upper Canada for the time being. Now we, the Commissioners of His Majesty's Treasury, do hereby require and enjoin you to govern yourself in the execution of the duties of your said office by the following instructions:—

That you do forthwith repair to Canada, and report your arrival to the Governor, or officer administering the government, and lay before him His Majesty's commission appointing you to the said office, and these our instructions for the guidance of your conduct in the execution of the duties thereof.

That you do immediately upon your arrival enter into security, to the satisfaction of the Governor or officer administering the government, yourself in 5,000 *l.* and two sureties in 2,500 *l.* each, that you will diligently and faithfully perform the duties of your said office, and duly account for and pay over all monies which may come to your hands in the execution thereof.

That, as soon as possible after your arrival, you do proceed to ascertain the nature and particulars of all the Crown property within the said province, under the following heads:

Waste lands in those districts of the colony which have not heretofore been surveyed or laid out.

Waste lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted.

No. 4.
Return of the
Commissioner for
Crown Lands.

Ungranted lands and Crown reserve in those districts where grants have been made.
Lands which have been granted in perpetuity upon payment of quit or other rents.
Lands and reserve which have been granted upon leases for series of years upon reserved rents or otherwise.

That you do make an annual report of the progress you have made in ascertaining these particulars, to us or to the Commissioners of the Treasury for the time being, and also to the Governor, or officer administering the government, of the province of Upper Canada.

That no lands or other Crown reserve arising from lands within the province of Upper Canada be hereafter disposed of or granted, except upon the following conditions:

By actual sale, or in cases of poor settlers by grants, subject to quit-rents in the manner hereafter directed:

That you do from time to time, and at least once in every year, submit to the Governor, or officer administering the government, a report of the total quantity of each district of Crown property, within each district, of the reserve, so far as you may then have ascertained the same, together with your opinion of the quality of each description of property which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre at which you would recommend the several descriptions of property to be offered, obtaining previously a certificate from the Surveyor General of Woods and Forests within the province, that the land proposed to be offered by you does not contain any considerable quantity of valuable timber fit for His Majesty's navy, or for any other purposes, it being the intention, that no grant of the land upon which such timber may be growing should be made until the timber is clear.

That if the Governor, or officer administering the government should be pleased to sanction the sale of the whole or any part of the land recommended by you to be sold, at the upset price recommended by you, or at any other price which he may name, you will proceed to the sale in the following manner:

You will give notice in the York Gazette, and in such other newspaper as may be circulating in the province, as well as in any other manner that circumstances will admit of, of the time and place appointed for sale of the lands in each district, and of the upset price at which the lots are proposed to be offered; that the lots will be sold to the highest bidder, and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by auction.

That no lot should contain more than 1,200 estimated acres. You will also state, in the notices of the conditions of the sale, that the purchase-money is to be paid by four instalments, without interest; the first instalment at the time of the sale, and the second, third and fourth instalments at the intervals of a year.

That if the instalments are not regularly paid, the deposit will be forfeited and the land again referred to sale.

In case purchasers of land at any sale, not exceeding 200 acres, being unable to advance the purchase-money by instalments as proposed, you may permit the purchaser to occupy the same upon a quit-rent, equal to five per cent. upon the amount of the purchase-money, one year's quit-rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards; upon the failure of regular payment, the lands to be again referred to auction and sold; the quit-rent upon lands so purchased in this manner to be subject to redemption upon payment of 20 years' purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years' amount of quit-rent, the same proportion of the quit-rent to cease. In case, however, the parties should fail regularly to pay the remainder of the quit-rent, the same to be deducted from the instalment paid, and the land to be resold by auction whenever the instalment may be absolved by the accruing payment of the remainder of the quit-rents.

That public notice should be given in each district in every year, stating the names of the persons in each district who may be in arrear, either for the instalments of their purchase or for quit-rents, and that if the arrears are not paid up before the commencement of the sales in that district for the following years, that the lands in respect of which the instalments or quit-rents may be due will be the first lot to be exposed to auction at the ensuing sales, and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

That no land be granted at any other time than at the current sales in each district, except upon application from poor settlers who may not have been in the colony more than six months preceding the last annual sale.

That settlers so circumstanced may be permitted to purchase land, not exceeding 200 acres each, at the price at which it may have been offered at the last annual sale, and not purchased, and may pay for the same, or by quit-rent computed at five per cent. on the sale price, and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land in distinct districts not surveyed, or in districts in which no unredeemable grant shall have been made, you will, under the authority of the Governor, at any time within the period of seven years from the date hereof, grant permission of occupancy to any such settlers for lots of land, not exceeding 200 acres, upon condition that they shall pay a quit-rent for the same, equal to
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five per cent. upon the estimated value of the land at the time such occupancy shall be granted, and the persons to whom claim or occupation may be made shall have liberty to redeem such quit-rent at any time before the expiration of the seven years, upon the payment of 20 years' purchase of the amount, and at any time after the termination of the seven years upon the payment of any arrears of quit-rent which may be then due, and 20 years' purchase of the annual amount of the rent.

That no patent shall be granted until the whole of the purchase-money shall have been paid; nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalments or quit-rent shall have been paid.

That the purchase-money for all lands, as well as the quit-rents, shall be paid to you or to such persons as you may appoint, at the times and places to be named in the condition of the sale.

You will give public notice that you have received instructions to apply to all persons holding lands from the Crown in perpetuity, upon the payment of quit-rents, as well as to all persons holding lands upon lease for term of years for payment of the rents which may be due from them respectively, to commence from the 1st of January 1827; and you will, at any time within seven years from the date hereof, sell to the proprietor, at 20 years' purchase, any lands held in free and common socage, (but to no other person whatever,) any quit-rent which may be payable by them respectively, provided that all arrears up to the end of the year preceding the time of purchase be previously paid.

If these quit-rents are not purchased by the proprietor within the period of seven years from the date hereof, further instructions will be given in regard to the sale by public auction, or otherwise, as may then be deemed expedient.

With respect to the lands upon lease for terms of years, you are desired on no account to sell the same by public auction if the rent is not more than two years in arrear, until the termination of the lease; but if the rent is more than two years in arrear, and if according to the terms of the lease the same is void in consequence of the non-payment of the rent, you are at liberty to submit to the Governor, or officer administering the government, that any such lots should be sold. If, however, previously to the sale the rent is paid up, you will withdraw the same from the sale, and you will at any time sell to the lessee of such lands as may be held under lease, at such price as the Governor, or officer administering the government, may upon your recommendation approve of, the land so held, all arrears of rent being in every case paid up to the end of the year preceding the sale, but in no case at less than 20 years' purchase of the rent.

You will on the 1st January and 1st July in every year render a complete account of all your sales within the preceding half year to the auditor of provincial accounts, specifying the conditions upon which each lot is sold, and you will at the same period render a complete cash account of the money received and expended by you within the same period, carrying forward to each account any balance which may remain in your hands at the date of the preceding account. And you will on the 1st January, 1st April, 1st July and 1st October, in each year, pay over to the receiver-general of the province any sum which may on those days respectively be in your hands over and above the sum of 500*l.*, which you are permitted to retain for future contingent expenses.

You will not charge the salary and remuneration to which you are entitled under your commission in your accounts, but you will receive the same annually by warrant of the Governor out of the treasure which you may have paid into the hands of the receiver of the province in the preceding year.

You are authorized to incur and defray such contingent expenses for authorities, clerks, treasurer and receiver of rents, office rent, &c., as you may find absolutely necessary, and as the Governor, or officer administering the government, may sanction and approve; provided, however, that the whole of such contingent expenses shall not exceed one-sixth part of the money to be received by you under His Majesty's commission and these our instructions.

That you do transmit to us, or to the Commissioners of the Treasury for the time being, copies of the half-yearly accounts which you may render to the auditor of provincial accounts in Canada, and that the same be transmitted by the first direct conveyance which may offer, after the periods they are respectively rendered.

That in the execution of the duties of the said office you do obey all such orders and directions as you may from time to time receive from us, or the Commissioners of the Treasury for the time being, or from any one of His Majesty's principal Secretaries of State, or from the Governor, or officer administering the government.

Whitehall, Treasury Chambers, }
the 18th day of July, 1827. }

(signed) MacNaghten,
J. Leveson Gower,
Eliot.

Instructions to Peter Robinson, Esq., Commissioner for the Sale and
Management of Crown Lands in the Province of Upper Canada.

